

STATE OF OHIO  
STATE PERSONNEL BOARD OF REVIEW

Mark Braun,

*Appellant,*

v.

Case No. 10-REM-06-0144

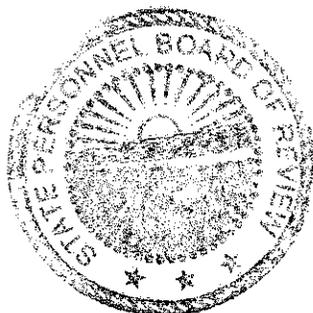
Allen County Auditor,

*Appellee.*

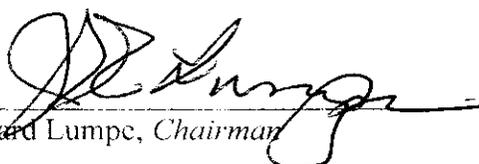
**ORDER**

This matter comes on for consideration upon the full Board's extensive development of the record in the above-captioned appeal. After a thorough examination of that record, a majority of the Board members find as follows. Appellant knowingly and voluntarily agreed to take a position with Appellee that was designated as falling in the unclassified service. Further, Appellant's acceptance of the unclassified designation of this position was a condition precedent for Appellant's hire. Additionally, during Appellant's continuing employment with Appellee, Appellant unambiguously reaffirmed the status of his position as unclassified. Accordingly, Appellant is estopped from claiming the protections of the classified service when he enjoyed the benefits of the unclassified service throughout his tenure with Appellee. For this reason, the instant appeal should be dismissed.

Wherefore, it is hereby **ORDERED** that the instant appeal be **DISMISSED** for the reason stated, above, pursuant to R.C. 124.03.



Lumpe - Aye  
Sfalcin - Aye  
Tillery - Nay

  
J. Richard Lumpe, *Chairman*

**CERTIFICATION**

The State of Ohio, State Personnel Board of Review, ss:

I, the undersigned clerk of the State Personnel Board of Review, hereby certify that this document and any attachment thereto constitute ~~(the original)~~ a true copy of the original order or resolution of the State Personnel Board of Review as entered upon the Board's Journal, a copy of which has been forwarded to the parties this date, October 29, 2010.

  
Clerk

**NOTE:** Please see the reverse side of this Order **or** the attachment to this Order for information regarding your appeal rights.