

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

Obianuju E. Anunike,

Appellant,

v.

Case No. 10-SUS-04-0080

Department of Rehabilitation and Correction,
Ohio Reformatory for Women,

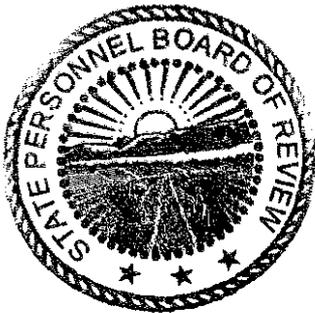
Appellee.

ORDER

This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

After a thorough examination of the record and a review of the Report and Recommendation of the Administrative Law Judge, along with any objections to that report which have been timely and properly filed, the Board hereby adopts the Recommendation of the Administrative Law Judge.

Wherefore, it is hereby **ORDERED** that the instant appeal be **DISMISSED** for lack of subject matter jurisdiction, pursuant to O.R.C. § 124.34(B).



Lumpe - Aye
Sfalcin - Aye
Tillery - Aye

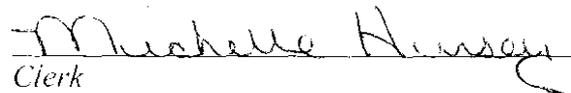


J. Richard Lumpe, *Chairman*

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, June 25, 2010.



Michelle Hinson
Clerk

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

**STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW**

Obianuju E. Anunike,

Case No. 10-SUS-04-0080

Appellant

v.

May 21, 2010

Department of Rehabilitation & Correction,
Ohio Reformatory for Women,

Appellee

Jeannette E. Gunn
Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This matter came on for consideration on May 21, 2010, upon a review of the information contained in the record. I find that Appellant has filed this appeal to protest her forty-hour working suspension. On May 10, 2010, Appellee filed with this Board Labor Relations Officer David Lundberg's affidavit attesting to the authenticity of the Designation of Overtime Exempt Status maintained in Appellant's personnel file, and kept at the Ohio Reformatory for Women. Mr. Lundberg is the keeper of personnel records for the Reformatory; he identified Appellant's signature on the document.

Appellant has filed no response with this Board disputing the authenticity of the document. Therefore, based on the uncontroverted evidence contained in the file, I find that Appellant is an FLSA overtime exempt employee.

Unlike a court, the State Personnel Board of Review has jurisdiction only when it has been explicitly conferred upon it by the Ohio General Assembly. In the case of an employee exempt from the payment of overtime compensation, Ohio Revised Code Section 124.34(B) grants this Board authority to review suspensions of more than forty work hours. Suspensions of forty hours or less are not appealable to the State Personnel Board of Review.

Therefore, I respectfully **RECOMMEND** that this appeal be **DISMISSED** for lack of subject matter jurisdiction.


Jeannette E. Gunn
Administrative Law Judge