

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

Heather Stovall,

Appellant.

v.

Case No. 10-SUS-12-0352

Department of Insurance,

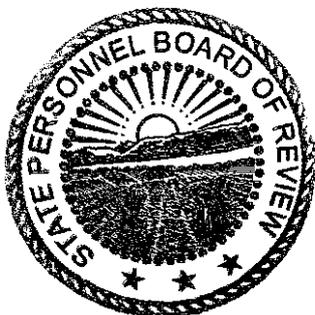
Appellee.

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 jurisdiction over its subject matter, pursuant to O.R.C. § 124.34.



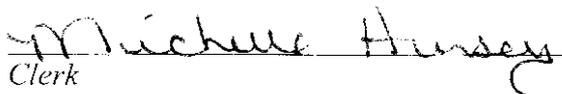
Casey - Aye
Lumpe - Aye
Tillery - Aye


Terry L. Casey, *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, April 13, 2011.


Clerk

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

4.13.11mH

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

HEATHER STOVALL,

Case No. 10-SUS-12-0352

Appellant

v.

March 14, 2011

DEPARTMENT OF INSURANCE,

JAMES R. SPRAGUE

Appellee

Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This matter came on for consideration for pre-hearing on March 14, 2011. Appellant, Heather Stovall, appeared *pro se*. Appellee, Ohio Department of Insurance, appeared through its representative, Timothy A. Lecklider, Assistant Attorney General.

I find that Appellant has filed this appeal because she received a three-day working suspension. I also find that Appellant occupies the position of Insurance Complaint Analyst Supervisor, which is exempted from the overtime provisions of the Fair Labor Standards Act (FLSA).

Unlike a court, the State Personnel Board of Review has jurisdiction only where it is explicitly conferred by the Ohio General Assembly. R.C. 124.34 (B) grants this Board authority to review suspensions of greater than 40 hours for employees who occupy positions that are FLSA-overtime exempt. Suspensions of a lesser amount for such employees are not appealable to the State Personnel Board of Review.

Therefore, I respectfully **RECOMMEND** that Appellee's motion be **GRANTED** and that the instant appeal be **DISMISSED** for lack of jurisdiction over its subject matter, pursuant to R.C. 124.34.

HEATHER STOVALL
Case No. 10-SUS-12-0352
Page 2


JAMES R. SPRAGUE
Administrative Law Judge