

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

Debra A. Reed,

Appellant,

v.

Case No. 11-MIS-04-0118

University of Akron,

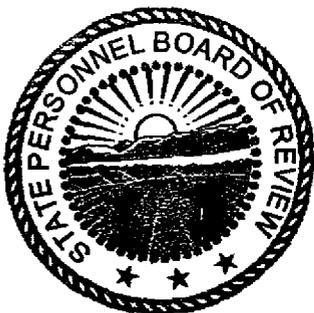
Appellee.

ORDER

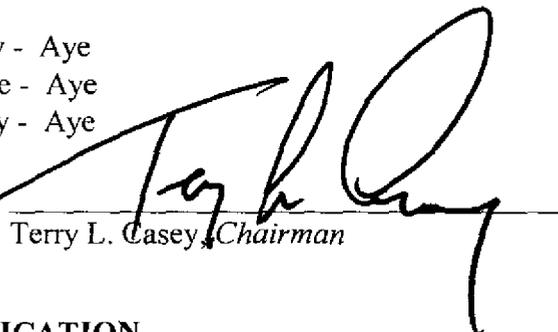
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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** since there is no right to appeal from a removal which occurs during a probationary period, pursuant to O.R.C. § 124.27(C).



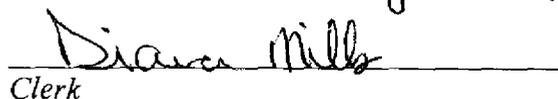
Casey - Aye
Lumpe - Aye
Tillery - Aye


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 constitutes ~~(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, August 22, 2011.


Diana Mills
Clerk

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

8-22-11

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

Debra A. Reed

Case No. 11-MIS-04-0118

Appellant

v.

July 26, 2011

University of Akron

Marcie M. Scholl

Appellee

Administrative Law Judge

REPORT AND RECOMMENDATION

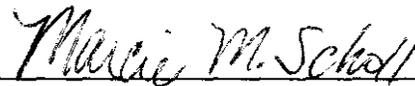
To the Honorable State Personnel Board of Review:

This matter came on for consideration on July 26, 2011, upon Appellee's Motion to Dismiss, filed on July 8, 2011. Appellant Reed did not file a memorandum *contra*.

Pursuant to the affidavit of Alex Teodosio, former Director of Labor Relations for Appellee, I find Appellant Reed was appointed as Secretary on January 3, 2011, in the Department of Development. I further find that this classification has been assigned a 120 day probationary period. Appellant Reed signed an acceptance of the position letter on December 22, 2010 and in that letter, it stated that she must "serve and successfully complete a 120-day probationary period".

Appellant Reed was removed during her probationary period, effective April 12, 2011, the 100th day of her probationary period. Because there is no right to appeal from a removal which occurs during a probationary period, I conclude that the State Personnel Board of Review does not have subject matter jurisdiction over this appeal. See Ohio Revised Code Section 124.27(C); *Walton v. Montgomery County Welfare Department* (1982), 69 Ohio St. 2d 58.

Therefore, I respectfully **RECOMMEND** this appeal be **DISMISSED**.



Marcie M. Scholl

Administrative Law Judge

:mms