

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

JOHNATHON P. BRUNNER,

Appellant,

v.

Case No. 11-REM-04-0107

FRANKLIN COUNTY CLERK OF COURTS,

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 this appeal be **DISMISSED** for lack of jurisdiction over the parties, pursuant to Ohio Revised Code Section 124.11(A)(10).



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, September 19, 2011.


Clerk

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

9-19-11

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

Johnathon P. Brunner,

Case No. 11-REM-04-0107

Appellant

v.

August 19, 2011

Franklin County Clerk of Courts,

Jeannette E. Gunn

Appellee

Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This cause comes on for consideration pursuant to Appellee's Motion to Dismiss, filed with this Board on July 28, 2011. Appellee asserts that this Board is without jurisdiction to consider the above-referenced appeals because Appellant was an unclassified employee pursuant to R.C. 124.11(A)(10). Appellant filed no memorandum *contra*.

Therefore, based upon the uncontroverted evidence contained in the record, I make the following findings of fact:

Appellant was appointed as a Deputy Clerk by former Franklin County Clerk of Court John O'Grady in 2008, and again by Franklin County Clerk of Court Maryellen O'Shaughnessy in 2009. In performing the duties of his Deputy Clerk position, Appellant handled secured documents, such as auto titles and liens.

On March 22, 2011, Appellee terminated Appellant's employment pursuant to the provisions of a Last Chance Agreement entered into by the parties in November 2010.

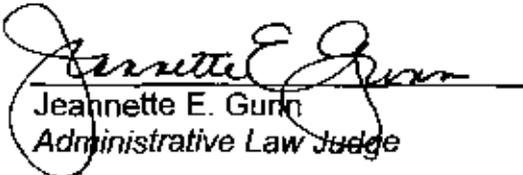
CONCLUSIONS OF LAW

This Board does not possess subject matter jurisdiction over the removal of an unclassified employee since Ohio Revised Code Section 124.03 limits this Board's jurisdiction to actions concerning classified employees. Appellee argued that Appellant's position was statutorily exempted from the civil service pursuant to

R.C. 124.11(A)(10), which places "deputies of clerks of the courts of common pleas" who "handle public moneys or secured documents" into the unclassified service.

Undisputed evidence was presented by Appellee to establish that Appellant was a duly appointed Deputy Clerk in the office of the Franklin County Clerk of the Court of Common Pleas, and that Appellant handled secured documents, such as auto titles and liens, in the performance of his assigned job duties. Accordingly, I find that Appellant's position was exempted from the classified civil service pursuant to R.C. 124.11(A)(10).

Therefore, I respectfully **RECOMMEND** that the instant appeal be **DISMISSED** for lack of jurisdiction over the parties.


Jeannette E. Gurn
Administrative Law Judge

JEG: