

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

David A. Buhn,

Appellant,

v.

Case No. 11-REM-05-0132

Public Utilities Commission of Ohio,

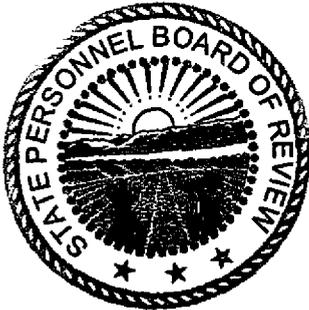
Appellee.

ORDER

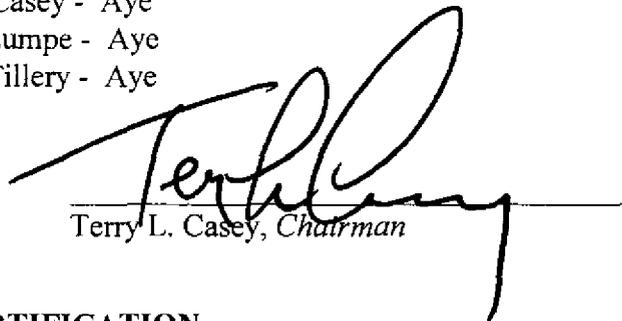
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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. § 124.27.



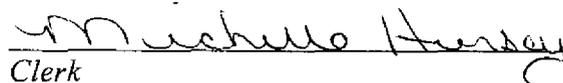
Casey - Aye
Lumpe - Aye
Tillery - Aye


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, June 28, 2011.


Michelle Hersey
Clerk

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

6-28-11mtt

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

DAVID A. BUHN,

Case No. 11-REM-05-0132

Appellant

v.

May 11, 2011

PUBLIC UTILITIES COMMISSION OF OHIO,

JAMES R. SPRAGUE

Appellee

Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This matter comes on due to Appellant's April 28, 2011 filing of an appeal from his removal from a position with Appellee, Public Utilities Commission of Ohio. It is unrebutted that Appellant was removed during his initial probationary period. Because there is no right to appeal from a removal which occurs during an initial probationary period, I conclude that the State Personnel Board of Review lacks jurisdiction over the subject matter of the instant appeal. (R.C. 124.27).

It is noted that Appellant has requested mediation in this matter. While the parties are always free to discuss mediation, it does not appear to be the province of this Board to request that the parties mediate a matter over which this Board clearly lacks subject matter jurisdiction.

Therefore, I respectfully **RECOMMEND** that the State Personnel Board of Review **DISMISS** the instant appeal for lack of jurisdiction over its subject matter, pursuant to R.C. 124.27.



JAMES R. SPRAGUE
Administrative Law Judge

JRS: