

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

TEDDI ANDERSON,

Appellant,

v.

Case No. 11-REM-06-0248

DEPARTMENT OF REHABILITATION AND CORRECTION, CORRECTIONS
MEDICAL CENTER,

Appellee

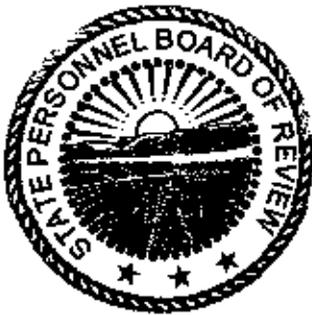
ORDER

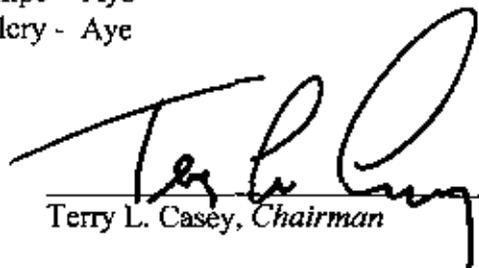
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

After a thorough examination of the entirety of the record, including 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 R.C. 4117.10 (A).

Casey - Aye
Lumpe - Aye
Tillery - Aye

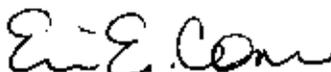



Terry L. Casey, *Chairman*

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 28, 2011.


Clerk

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

Teddi Anderson,

Case No. 11-REM-06-0248

Appellant

v.

August 30, 2011

Department of Rehabilitation &
Corrections, Corrections Medical Center,

Appellee

Jeannette E. Gunn
Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This matter came on for consideration pursuant to Appellee's Response to this Board's Procedural Order, file with the Board on August 1, 2011. Appellee contends this matter is properly resolved through the grievance procedure pursuant to a collective bargaining agreement and this Board lacks jurisdiction to consider the matter. Appellant did not file a memorandum *contra*.

Based upon the uncontroverted evidence contained in the record, I find that at the time of her removal from employment with Appellee, Appellant occupied a position classified as a Nurse 1. The Nurse classification is included in a bargaining unit which is represented by the SEIU/District 1199. Appellee and SEIU/District 1199 have entered into a collective bargaining contract.

The above contract provides a grievance procedure resulting in final and binding arbitration. The Appellant was removed; this action is covered by the contract grievance procedures. Ohio Revised Code Section 4117.10(A) states that where a bargaining agreement provides a grievance procedure which culminates in final and binding arbitration, the State Personnel Board of Review has no jurisdiction. This Board is, therefore, without jurisdiction to hear the instant appeal.

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


Jeannette E. Gunn
Administrative Law Judge