

1/24/12 To: Dave Lefton

COMMON PLEAS COURT

IN THE COURT OF COMMON PLEAS MEIGS COUNTY, OHIO

KIMBERLY GATES,

2012 JAN 20 AM 9:29

APPELLANT,

VS

CASE NUMBER 11-CV-018

DIRECTOR,

OHIO DEPARTMENT OF JOB AND FAMILY

JOURNAL ENTRY

SERVICES,

AND

DOLGENCORP LLC DOLLAR GENERAL,

AND

TALX UC EXPRESS,

APPELLEES.

RECEIVED  
DEPARTMENT OF  
JOB & FAMILY SERVICES  
DIRECTORS OFFICE  
2012 JAN 23 PM 12:37  
COURT OF COMMON PLEAS  
MEIGS COUNTY OHIO

DECISION AFFIRMING THE DECISION OF THE COMMISSION

This cause comes to be heard on Appellant's Appeal from the Decision of the Unemployment Compensation Review Commission denying her unemployment compensation benefits.

Appellant asserts that she was employed at Dollar General in Athens, Ohio and quit her job on March 31, 2010 because she believes she was subjected to on the job sexual harassment. On May 11, 2010 Appellant applied for unemployment benefits. On May 18, 2010 the Director disallowed Appellant's claim finding that she quit her job without just cause. Appellant appealed the Director's determination on July 22, 2010. (Pursuant to Rev. ode 4141.281(A) the appeal deadline was June 8, 2010). A request for reconsideration was denied by the Director on August 11, 2010.

Appellant appealed the Director's redetermination on August 30, 2010. The matter was then transferred to the Review Commission on September 28, 2010 for a hearing on the issues of timelines of the appeal and whether she quit without just cause. On December 21, 2010 the Review Commission conducted a telephone hearing at which the hearing officer determined that the sole issue was the timelines of the original appeal. The appeal proceeded on this issue only. On December 23, 2010 the hearing officer determined that the request for reconsideration (the original appeal) was untimely pursuant to Rev. Code 4141.281(A).

Appellant timely appealed the hearing officer's decision to the Review Commission on January 3, 2011. On February 3, 2011, the Review Commission affirmed the determination of the hearing officer.

REC'D BY FAX 12 JAN 24 AM 10:17

This appeal seeks a reversal of the February 2, 2011 determination that Appellant's July 22, 2010 appeal from the Director's May 18, 2010 denial of her request for benefits was not timely.

Pursuant to Rev. Code 4141.282 this Court must affirm the decision of the Review Commission unless it finds that the decision was unlawful, unreasonable, or against the manifest weight of the evidence.

The Court has reviewed the entire record and has determined that there is competent, credible evidence to support the Review Commission's decision. The Director denied, in writing, Appellant's request for unemployment benefits on May 18, 2010, finding that she quit her employment without just cause. Claimant had 21 days from that ruling (June 8, 2010) to appeal. (Rev. Code 4141.281 (A)) The appeal was not filed until July 22, 2010 denying the Commission jurisdiction to determine the merits of Appellant's application for benefits.

Judgment will be rendered in favor of Appellees denying Appellant's appeal from the decision of the Unemployment Review Commission.

A handwritten signature in black ink, appearing to read "Dale A. Crawford", is written over a horizontal line.

Dale A. Crawford, Administrative Judge

Cc: Judge

Counsel of record

Parties

IN THE COURT OF COMMON PLEAS MEIGS COUNTY, OHIO

KIMBERLY GATES,  
APPELLANT,

2012 JAN 20 AM 9:26

VS

CASE NUMBER 11-CV-018

*Dale Crawford*  
CLERK OF COURTS  
MEIGS COUNTY, OHIO

DIRECTOR,

OHIO DEPARTMENT OF JOB AND FAMILY

JUDGMENT ENTRY

SERVICES,

AND

DOLGENCORP LLC DOLLAR GENERAL,

AND

TALX UC EXPRESS,

APPELLEES.

Judgment is hereby entered in favor of Appellees denying the appeal from the Unemployment Compensation Review Commission.



Dale A. Crawford, Administrative Judge

Cc: Judge

Counsel of record

Parties