

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO

RONALD COLEMAN,	:	
	:	
Appellant,	:	CASE NO. 11CVF-11-14565
	:	
vs.	:	JUDGE BEATTY
	:	
COLUMBUS STEEL CASTINGS CO., et al.,	:	
	:	
Appellees.	:	

**DECISION AND JUDGMENT ENTRY AFFIRMING THE DECISION OF**  
**THE UNEMPLOYMENT COMPENSATION REVIEW COMMISSION**  
**AND**  
**NOTICE OF FINAL APPEALABLE ORDER**

**BEATTY, JUDGE**

This is an appeal pursuant to R.C. 4141.282 from the November 2, 2011 Decision of the Unemployment Compensation Review Commission (the “Commission”).

**I. FACTS**

Appellant Ronald Coleman (the “Claimant”) was employed by Appellee Columbus Steel Castings Co., Inc. (the “Employer”) until March 2, 2011.

The Claimant applied for unemployment compensation benefits. By a redetermination dated May 20, 2011, the Director, Ohio Department of Job and Family Services (the “Director”) found that the Claimant was entitled to benefits. An appeal was filed and the matter was transferred to the Commission.

On September 7, 2011, a hearing was held before a Hearing Officer of the Commission. The parties appeared and presented evidence as follows.

The Employer presented the testimony of Tiffanie Augustus, an HR Generalist. Ms. Augustus testified that on March 2, 2011, the Claimant returned from a suspension.

(T. 7). Jeff Grody, the Employer's Vice President of Human Resources, held a meeting with the Claimant regarding his reinstatement. (T. 7-8). Ms. Augustus testified that the Claimant's job was not threatened and there had been no consideration of discharging him at that time. (T. 8). However, in the meeting, the Claimant "stated that this will be my last day here, got up, opened the door, and left the facility." (*Id.*).

The Claimant testified that he was called into the meeting by Mr. Grody, who told him that he was discharged and this was his last day of employment. (T. 10). He stated that the reason given was that Mr. Grody said he had been told by other employees that the Claimant was unhappy and had been looking for another job. (*Id.*)

On September 15, 2011, the Hearing Officer issued a Decision finding that the Claimant was discharged for just cause. After reviewing the evidence, the Hearing Officer stated as follows:

The credible evidence establishes that the employer had no plans to discharge the claimant. The employer's witness offered sworn credible testimony that the claimant walked out of the room without giving the employer an opportunity to discuss the results of the investigation. Subsequently, the claimant made no further contact with the employer and did not return to the workplace. Therefore, this Hearing Officer finds that the claimant was discharged by Columbus Steel Castings Co., Inc. for just cause in connection with work.

On November 2, 2011, the Commission disallowed the Claimant's request for further review.

On November 22, 2011, the Claimant filed this appeal from the Commission's Decision.

## **II. STANDARD OF REVIEW**

This Court must affirm the Commission's decision unless the decision was unlawful, unreasonable, or against the manifest weight of the evidence. R.C.

4141.282(H). The Court's scope of review is limited, and the Court is not to make factual findings or substitute its judgment for that of the Commission. *Irvine v. Unemployment Compensation Review Commission* (1985), 19 Ohio St.3d 15, 18; *Simon v. Lake Geauga Printing Co.* (1982), 69 Ohio St.2d 41, 45.

### **III. THE COURT'S FINDINGS AND CONCLUSIONS**

In this appeal, the Claimant contends that he was not discharged for just cause.

R.C. 4141.29(D)(2)(a) provides that an individual discharged with just cause in connection with work is not eligible for unemployment compensation benefits. Just cause is conduct which an ordinarily intelligent person would regard as a justifiable reason for discharging an employee. *Irvine, supra*. An employee is considered to have been discharged for just cause when the "employee, by his actions, demonstrated an unreasonable disregard for his employer's best interests." *Kiikka v. Ohio Bur. of Employment Services* (1985), 21 Ohio App.3d 168, 169.

The Claimant argues that the Employer provided no evidence of just cause for termination, as it argued that the Claimant quit his job. The Employer's evidence was that the Claimant stated that it was his last day and left the facility. Job abandonment by a claimant is just cause for discharge. *See Vest v. Ohio Department of Job and Family Services*, 2005-Ohio-6967. Moreover, even if the Claimant were considered to have quit voluntarily rather than to have been discharged, he still would not be entitled to benefits. *Todd v. Ohio Department of Job and Family Services*, 2004-Ohio-2185.

The Claimant argues that the Hearing Officer's Decision is against the manifest weight of the evidence because the Claimant provided evidence that he was terminated without just cause. As established by the above authority, the Court is not to make

factual findings or substitute its judgment for that of the Commission. As the finder of fact, the Commission was entitled to find credible the Employer's evidence that the Claimant abandoned his job.

The Claimant further argues that the Hearing Officer erred in determining that One Source Employee Management, LLC was not a co-employer of the Claimant as of March 2, 2011. The only evidence at the hearing was that the Claimant was employed solely by Columbus Steel Castings as of said date. (T. 9, 12). Moreover, given the determination that the Claimant was discharged for just cause, the issue of whether there was a co-employer has no impact on the Claimant's entitlement to benefits.

After reviewing the record, the Court finds that the Commission's Decision is not unlawful, unreasonable, or against the manifest weight of the evidence. Accordingly, the Commission's Decision is hereby AFFIRMED. This is a final, appealable Order. Costs to Appellant.

IT IS SO ORDERED.

Franklin County Court of Common Pleas

**Date:** 03-02-2012  
**Case Title:** RONALD COLEMAN -VS- COLUMBUS STEEL CASTINGS CO  
INC ET AL  
**Case Number:** 11CV014565  
**Type:** DECISION/ENTRY

It Is So Ordered.

  
The image shows a handwritten signature in black ink that reads "Laurel Beatty". The signature is written in a cursive style. To the right of the signature is a circular blue seal of the Franklin County Court of Common Pleas. The seal contains the text "COMMON PLEAS COURT" at the top, "FRANKLIN COUNTY" in the middle, and "ALL THINGS ARE POSSIBLE" at the bottom.

/s/ Judge Laurel A. Beatty

Court Disposition

Case Number: 11CV014565

Case Style: RONALD COLEMAN -VS- COLUMBUS STEEL CASTINGS CO INC  
ET AL

Case Terminated: 18 - Other Terminations

Final Appealable Order: Yes