

FILED

2012 MAR 20 AM 9:18

DEBORAH SMALLEY  
CLERK OF COURTS  
FAIRFIELD CO. OHIO

**IN THE COURT OF COMMON PLEAS  
FAIRFIELD COUNTY, OHIO**

**Jeannette McCandlish,**

**Appellant,**

**v.**

**Fairfield Medical Center, et al.,**

**Appellees.**

**Case No. 10 CV 1203**

**JUDGE CHRIS A. MARTIN**

**JUDGMENT ENTRY**

This matter comes before the court as an Appeal filed pursuant to R.C. 4141.282, appealing the decision of the Ohio Unemployment Compensation Review Commission finding that Appellant was discharged by Appellee Fairfield Medical Center for just cause and denying unemployment compensation benefits to Appellant, Jeanette McCandlish, a former employee of Appellee Fairfield Medical Center. The matter has been fully briefed by the parties and is now before the court for decision.

R.C. 4141.282(H) sets forth the applicable standard of review of a Commission's determination:

"If the court finds that the decision of the commission was unlawful, unreasonable, or against the manifest weight of the evidence, it shall reverse, vacate, or modify the decision, or remand the matter to the commission. Otherwise, the court shall affirm the decision of the commission."

A reviewing court is not permitted to make factual findings, determine the credibility of witnesses, or substitute its judgment for that of the commission; where the commission might reasonably decide either way, the courts have no authority to upset the commission's decision. *Irvine v. Unemp. Comp. Bd. Of Review* (1985), 19 Ohio St.3d 15, 17-18, 482 N.E.2d 587. See, also, *DeMattio v. Ohio Dept. of Job & Family Servs.* Tuscarawas App. No. 11AP010004, 2011-Ohio-4901. Every reasonable

presumption must be made in favor of the [decision] and the findings of facts [of the Review Commission]. *Ro-Mai Industries, Inc. v. Weinberg*, 176 Ohio App.3d 151, 2008-Ohio-301, 891 N.E.2d 348 at ¶ 7, quoting *Karches v. Cincinnati* (1988), 38 Ohio St.3d 12, 19, 526 N.E.2d 1350. "[I]f the evidence is susceptible of more than one construction, we must give it that interpretation which is consistent with the verdict and judgment, most favorable to sustaining the trial court's verdict and judgment." *Karches*, 38 Ohio St.3d at 19, 526 N.E.2d 1350.

Upon review of the record in this matter and the applicable statutory and case law, this court finds that the Decision of the Ohio Unemployment Compensation Review Commission, finding that Appellee Fairfield Medical Center discharged Appellant Jeanette McCandlish for just cause, and denying unemployment compensation benefits to Appellant, was not unlawful, unreasonable, or against the manifest weight of the evidence and, thus, pursuant to R.C. 4141.282(H) is **AFFIRMED**.

Costs to Appellant.

XC:

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Pursuant to Civ.R. 58(B), the Clerk is hereby directed to serve upon all parties not in default for failure to appear, notice of this Judgment and its date of entry upon the journal. This is a final appealable order.

  
CHRIS A. MARTIN, JUDGE

  
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