

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO
CIVIL DIVISION

TARINA L. MCCALL,	:	
	:	
Appellant,	:	
	:	Case No. 11CVF-12-15260
vs.	:	
	:	(JUDGE FRYE)
OHIO STATE UNEMPLOYMENT	:	
REVIEW COMMISSION,	:	
	:	
Appellee.	:	

FINAL JUDGMENT ENTRY
GRANTING APPELLEE’S MOTION TO DISMISS
(Motion Filed February 15, 2012)

This administrative appeal arises from a *pro se* appellant’s notice of appeal of the Unemployment Compensation Review Commission’s “Decision Disallowing Request for Review.” On February 15, 2012, the Director of the Ohio Department of Job & Family Services (“ODJFS”) moved to dismiss the appeal based on Ms. McCall’s failure to name ODJFS as party.

Ohio Revised Code 4141.28.2 provides the requirements for an appeal to the court after an unemployment compensation review commission decision. Specifically, 4141.28.2(D) states: “The commission shall provide on its final decision the names and addresses of all interested parties. The appellant shall name all interested parties as appellees in the notice of appeal. The director of job and family services is always an interested party and shall be named as an appellee in the notice of appeal.”

Additionally, the Decision mailed to Ms. McCall on November 30, 2011, specifically stated (in the section titled “**APPEAL RIGHTS**”) that “[t]he appellant must name all interested parties as appellees in the notice of appeal, including the Director of the Department of Job and Family Services.” The Decision also met the requirements of 4141.28.2(D) by listing the names and addresses of all interested parties. Based on the failure to name ODJFS as a

party, the court lacks jurisdiction to hear the appeal. See *Sydenstricker v. Donato's Pizzeria, LLC*, 8th Dist. No. 2009-L-149, 2010-Ohio-2953, 2010 Ohio App. LEXIS 2455.

It is no answer that appellant filed this case *pro se*. “While one has the right to represent himself or herself and one may proceed into litigation as a pro se litigant, the pro se litigant is to be treated the same as one trained in the law as far as the requirement to follow procedural law and the adherence to court rules. If the courts treat pro se litigants differently, the court begins to depart from its duty of impartiality and prejudices the handling the case as it relates to other litigants represented by counsel.” *Asset Acceptance, LLC v. Evans* (10th Dist.), 2004-Ohio-3382, ¶9.

The February 15, 2012 Motion to Dismiss must be **GRANTED**. The case is **DISMISSED** with court costs taxed to appellant.

IT IS SO ORDERED.

Copies by ordinary mail to:

Tarina L. McCall
P.O. Box 7606
Columbus, Ohio 43207-0606
Appellant, pro se

Target Corporation J.L. Hudson
U.C. Express
P.O. Box 182366
Columbus, Ohio 43218-2366
Employer

Franklin County Court of Common Pleas

Date: 03-27-2012
Case Title: TARINA MCCALL -VS- OHIO STATE UNEMPLOYMENT
REVIEW COMMISSION
Case Number: 11CV015260
Type: DECISION/ENTRY

It Is So Ordered.

The image shows a handwritten signature in black ink that reads "Richard A. Frye". The signature is written over a circular blue seal. The seal contains the text "FRANKLIN COUNTY OHIO" around the top and "ALL THINGS ARE" around the bottom. In the center of the seal is a sunburst design.

/s/ Judge Richard A. Frye

Court Disposition

Case Number: 11CV015260

Case Style: TARINA MCCALL -VS- OHIO STATE UNEMPLOYMENT REVIEW
COMMISSION

Case Terminated: 18 - Other Terminations

Final Appealable Order: Yes

Motion Tie Off Information:

1. Motion CMS Document Id: 11CV0152602012-02-1599980000
Document Title: 02-15-2012-MOTION TO DISMISS
Disposition: MOTION GRANTED
2. Motion CMS Document Id: 11CV0152602012-03-0299980000
Document Title: 03-02-2012-MOTION TO STRIKE
Disposition: MOTION IS MOOT