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IN THE COURT OF COMMON PLEAS
HURON COUNTY, OHIO

KYLE J. HUNTER,

PLAINTIFF-APPELLANT,

vs.

A. SCHUTMAN, INC., et al.,

DEFENDANTS-APPELLEES.

* JUDGE JAMES W. CONWAY

* CASE NO. CVF20120217

* REMAND ORDER

JOURNALIZED 04-18-2012
VCL 676 PG 90

This is an R.C. 4141.282 administrative appeal from the February 15, 2012, final decision of the Ohio Unemployment Compensation Review Commission denying the claim for unemployment benefits filed by appellant, Kyle J. Hunter.

Mr. Hunter, appearing before the Review Commission as the appellee, never received notice of the Review Commission's January 30, 2012, hearing. In fact, he was unaware of the hearing until receiving the Review Commission's February 15 decision. By then, of course, he could not have requested a new hearing because, as a matter of law, such requests must be made within 14 days of the hearing. See R.C. 4141.281(D)(6), which provides in relevant part (emphasis added):

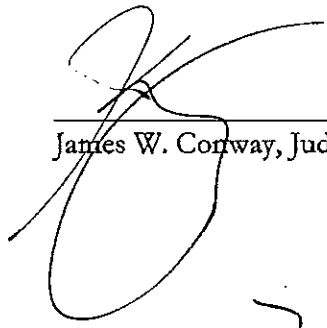
For hearings at either the hearing officer or review level, if the appellee fails to appear at the hearing, the hearing officer shall proceed with the hearing and shall issue a decision based on the evidence of record. The commission shall vacate the decision upon a showing that written notice of the hearing was not sent to the appellee's last known address, *or good cause for the appellee's failure to appear is shown to the commission within fourteen days after the hearing date.*

Accordingly, the Court remands this matter to the Ohio Unemployment Compensation

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Review Commission with instructions that it, under R.C. 4141.281(C)(1), hold a hearing and, under R.C. 4141.281(C)(7) and (D)(3), properly notify counsel of record for all parties of its date and time.

4-17-12
Date


James W. Conway, Judge

Distribution:

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