



D97479522

IN THE COURT OF COMMON PLEAS  
HAMILTON COUNTY, OHIO

JASON WESTBROOK,

Appellant,

vs.

DIRECTOR, OHIO DEPARTMENT OF  
JOB AND FAMILY SERVICES, et al.

Appellees.

Case No. A1200386

Judge Nadine Allen

**ENTRY ADOPTING THE  
MAGISTRATE'S DECISION**

**ENTERED**  
MAY 02 2012

This cause came to be heard upon an appeal from the decision of the Ohio Unemployment Compensation Review Commission ("Review Commission") that denied benefits to the Appellant, Jason Westbrook. After due consideration of the oral arguments and the applicable legal authority, the Magistrate found that the Appellant's appeal to this Court was untimely. The objection period has expired and no objections to the decision were filed nor were there any extensions granted. WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the Magistrate's Decision is hereby affirmed.

Costs to the Appellant. This is the final appealable order. There is no just reason for delay.

JUDGE NADINE ALLEN

**MAGISTRATE**  
MAY 01 2012  
**HAS BEEN**

COURT OF COMMON PLEAS  
HAMILTON COUNTY, OHIO

JASON WESTBROOK,

Appellant,

vs.

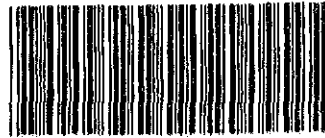
OHIO DEPARTMENT OF JOB AND  
FAMILY SERVICES, et al.,

Appellees.

Case No. A1200386

Magistrate Michael Bachman

MAGISTRATE'S DECISION



D97042524

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RENDERED THIS 3rd DAY OF APRIL 2012

This case is an appeal from the Unemployment Compensation Review Commission's ("Review Commission") November 18, 2011, Decision finding that Appellant Jason Westbrook ("Appellant") did not have just cause for failing to appear at a hearing.

BACKGROUND

The Review Commission issued its final decision in this case on November 18, 2011. The Review Commission's decision was sent to all interested parties and to the last known address of the Appellant. The Appellant had thirty days to appeal the Review Commission's Decision. R.C. 4141.282(A). At the latest, the Appellant should have filed his appeal by December 19, 2011. The Appellant did not file an appeal until January 18, 2012.

### DISCUSSION

Where a statute confers a right of appeal, such appeal may be perfected only by compliance with the mandatory statutory requirements. *Griffith v. J.C. Penny Co., Inc.*, 24 Ohio St.3d 112, 493 N.E. 2d 959 (1986). An appeal filed just one day late is sufficient to divest the court of subject matter jurisdiction. See, *Fowler v. Summa Health Systems*, 9<sup>th</sup> Dist. CA 22091, 2004-Ohio-6740, ¶ 7. Here, the Appellant did not file his appeal within the thirty day time period. The Appellant's appeal is untimely. Therefore, this Court lacks subject matter jurisdiction to render a decision in this case.

### DECISION

The Appeal is DISMISSED. The Appellant's appeal to this Court was untimely.



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**MICHAEL L. BACHMAN  
MAGISTRATE,  
COURT OF COMMON PLEAS**

**NOTICE**

Objections to the Magistrate's Decision must be filed within fourteen days of the filing date of the Magistrate's Decision. A party shall not assign as error on appeal the court's adoption of any factual finding of fact or legal conclusion, whether or not specifically designated as a finding of fact or conclusion of law under Civ. R. 53(D)(3)(a)(ii), unless the party timely and specifically objects to that factual finding or legal conclusion as required by Civ. R. 53(D)(3)(b).

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY THAT COPIES OF THE FOREGOING DECISION HAVE BEEN SENT BY ORDINARY MAIL TO ALL PARTIES OR THEIR ATTORNEYS AS PROVIDED ABOVE.

Date: 4/3/12

Deputy Clerk: 