

FILED  
LUCAS COUNTY

2012 MAY -3 P 2: 52

COMMON PLEAS COURT  
IN THE COURT OF COMMON PLEAS  
LUCAS COUNTY, OHIO  
CLERK OF COURTS

CARRIE MELCHERT	*	JUDGE LINDA L. JENNINGS
	*	
PLAINTIFF-APPELLANT,	*	CASE NO. CI0201201093
	*	
vs.	*	
	*	<u>REMAND ORDER</u>
BURGE WRECKING LLC, et al.,	*	
	*	
DEFENDANTS-APPELLEES.	*	

This is an R.C. 4141.282 administrative appeal from the December 8, 2011, final decision of the Ohio Unemployment Compensation Review Commission denying the claim for unemployment benefits filed by the appellant, Carrie Melchert. The claim was filed in connection with her separation from work at appellee Burge Wrecking LLC.

The relevant facts are as follows. Appellant's application for benefits was denied, both initially and on redetermination, by appellee Director, Ohio Department of Job and Family Services. The Director denied the claim because, he concluded, appellant either did not establish that she worked 20 qualifying weeks of employment or did not establish that she earned an average weekly wage of \$213.00 during the regular base period of July 1, 2009 to June 30, 2010 or the alternate base period of October 1, 2009 to September 30, 2010, as required by R.C. 4141.01(R)(1).

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Appellant appealed, and jurisdiction was transferred to the Review Commission. The Review Commission held a telephone hearing on April 5, 2011. The sole issue before the hearing officer was whether appellant had worked enough hours and earned a sufficient weekly wage to qualify for unemployment. Though appellant testified that she had worked 20 weeks and earned the requisite income, the hearing officer requested documentation to support her claim. Specifically, the hearing officer asked her to provide: (1) her W-2 form from 2009, (2) her W-2 form from 2010, and (3) her "payroll summary" showing that she worked at Burge Wrecking from July 1, 2009 through June 30, 2010. See Transcript of April 5, 2011, hearing (TR) at 5, 6. The hearing officer agreed to "hold the record open" until she supplied this information. TR 7.

Appellant ultimately sent some of this information to the Review Commission. Specifically, she provided (1) a W-2 form for 2009, showing \$17,532.00 in earnings, and (2) a computer-generated document, captioned "W-2 DETAIL REPORT - 2010," purporting to establish that appellant earned \$22,014.00 in 2010.

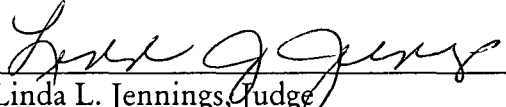
Upon finally addressing the dispositive issue, the full Review Commission on December 8, 2011 summarily denied review of the Director's redetermination denying appellant's claim. Because the Review Commission provided no reasons to support its decision, however, it is unclear whether it even considered the documentation supplied by appellant. Accordingly, the Court finds that the matter should be remanded to the Review Commission with instructions that it specifically review appellant's documentation of employment and address the issue of whether appellant worked 20 qualifying weeks and had sufficient qualifying income as required by R.C. 4141.01(R).

JUDGMENT ENTRY

Under R.C. 4141.282(H), this matter is REMANDED to the Ohio Unemployment Compensation Review Commission with the following instructions:

1. The Review Commission shall order appellant to forward to it copies of (A) her W-2 form from 2009, (B) her W-2 form from 2010, (C) her "payroll summary" showing that she worked at appellee Burge Wrecking from July 1, 2009 through June 30, 2010, and (D) any other documentation relevant to her unemployment claim.
2. The Review Commission, upon receiving this information, shall determine whether appellant worked 20 qualifying weeks of employment and earned an average weekly wage of \$213.00 as required by R.C. 4141.01(R). The Review Commission may hold a hearing as to this question or, in its discretion, decide the matter on the additional documentation supplied by appellant.

4-27-12  
Date

  
Linda L. Jennings, Judge

Distribution:

Meghan Anderson Roth, counsel for appellant  
Burge Wrecking LLC, appellee/employer  
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