

**IN THE COMMON PLEAS COURT  
GENERAL DIVISION  
BUTLER COUNTY, OHIO**

**EDWARD A. RIESS,**

\*

Case No.: CV 2011-12-4331

Appellant,

\*

JUDGE: NOAH E. POWERS II

vs.

**OHIO UNEMPLOYMENT  
COMPENSATION REVIEW  
COMMISSION, et al.,**

Appellees.

FILED BUTLER CO.\*  
CLERK OF COMMON PLEAS  
MAY - 7 2012\*  
MARY L. SWANN  
CLERK OF COURTS  
\*

**DECISION AND ENTRY  
GRANTING APPELLEE'S  
MOTION TO DISMISS FOR  
LACK OF JURISDICTION**

**FINAL APPEALABLE ORDER**

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**THIS MATTER** came before the Court on the motion of Appellee Unemployment Compensation Review Commission ("Review Commission") for dismissal. The Review Commission contends that this Court lacks subject matter jurisdiction because Appellant, Edward Riess, failed to strictly comply with R.C. §4141.282. Specifically, Appellee contends that Appellant's failure to name the Director of Job and Family Services ("ODJFS") is fatal to his appeal. Appellant requests that the Court overlook his error and proceed upon the appeal.

The Court has reviewed the memoranda, record, and applicable law. For the reasons cited below, the Court finds Appellee's *Motion* well-taken.

**PROCEDURAL HISTORY**

This matter involves the termination of Edward Riess from his employ with University Hospital for actions he took which the hospital saw as detrimental to the health and safety of its patients. Upon his termination, Appellant appealed the denial of unemployment benefits. At all levels of his appeal, his termination was found to be for just cause. On November 16, 2011, the Unemployment Compensation Review

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Commission issued the final administrative decision disallowing Appellant's request for review. In the *Decision*, the Review Commission indicated that a copy of the *Decision* was mailed to Appellant, University Hospital, Inc., the Ohio Hospital Association, and the Director of the Ohio Department of Job and Family Services.

On December 14, 2011, two (2) days prior to the expiration of the time frame established in R.C. §4141.282(A), Appellant filed his notice of appeal with this Court. However, the appeal was directed only to the Unemployment Compensation Review Commission and University Hospital.

#### ANALYSIS

R.C. §4141.282(D) specifically provides as follows:

The commission shall provide 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.

There is no dispute that Appellant failed to name the ODJFS. Appellant contends that as he is a private citizen, uneducated in the field of law, he was not aware that the Review Commission was not allied with the ODJFS. However, a *pro se* individual is held to the same standards as licensed attorneys when interacting with a court. *Goodrich v. Ohio Unemp. Rev. Comm.*, 10th Dist. No. 11AP-473, 2012-Ohio-467, ¶26.

"An appeal, the right to which is conferred by statute, can be perfected only in the mode prescribed by statute. The exercise of the right conferred is conditioned upon compliance with the accompanying mandatory requirements." *Zier v. Bur. of Unemp. Comp.*, 151 Ohio St. 123 (1949), paragraph one of the syllabus.

As Appellant failed to strictly comply with the mandates set forth in R.C. §4141.282, the Court lacks subject matter jurisdiction. *Sydenstricker v. Donato's Pizzeria, L.L.C.*, 11th Dist. No. 2009-L-149, 2010-Ohio-2953, ¶25.

**ENTRY**

For the reasons stated above, the Court finds Appellee Ohio Unemployment Compensation Review Commission's *Motion to Dismiss for Lack of Subject Matter Jurisdiction* well-taken. Therefore, it is

**ORDERED** that this matter, be, and is hereby **DISMISSED**. Costs to Appellant.

**SO ORDERED:**

  
**NOAH E. POWERS II, JUDGE**

cc:  
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