

IN THE COURT OF COMMON PLEAS
TRUMBULL COUNTY, OHIO
GENERAL DIVISION

FILED
COURT OF COMMON PLEAS
JUN 04 2012
TRUMBULL COUNTY, OH
KAREN INFANTE ALLEN, CLERK

CASE NUMBER:

11-CV-2373

**DAVID E. MOORE,
APPELLANT**

VS.

JUDGE ANDREW D. LOGAN

**OHIO DEPARTMENT OF JOB
AND FAMILY SERVICES, ET AL,
APPELLEES**

JUDGMENT ENTRY

This cause came to be heard on the administrative appeal filed by the Appellant David E. Moore ("Moore") regarding the decisions by the Ohio Unemployment Compensation Review Commission: Hearing Officer Decision No. H2011011823 and Review Commission Decision No. C2011011823. This Court has jurisdiction pursuant to R.C. 4141.282. The Court has reviewed the pleadings, briefs, record, exhibits and the relevant applicable law.

R.C. 4141.282 (H) provides: "The court shall hear the appeal on the certified record provided by the commission. If the court finds that the decision of the commission was unlawful, unreasonable, or against the manifest weight of the evidence, it shall reverse, vacate, or modify the decision, or remand the matter to the commission. Otherwise, the court shall affirm the decision of the commission."

According to the record before this Court, Moore essentially contests the finding by the Review Commission that he quit his employment without just cause. He argues that he did not quit his employment without just cause & that such a finding is against the manifest weight of the evidence & that the manifest weight of the evidence shows that Moore cannot be found to have refused a suitable offer of work with Dr. Paley.

The Court disagrees.

Case law holds that a court may only reverse an unemployment compensation eligibility decision made by the Review Commission if the decision is unlawful, unreasonable, or against the manifest weight of the evidence. Ohio Revised Code Section 4141.282(H). The resolution of factual questions are chiefly within the Review Commission's scope of review. The Court's role is to determine whether the decision of the Review Commission is supported by evidence in the certified record. If the reviewing Court finds that such support is found, then the Court cannot substitute its judgment for that of the Review Commission. The fact that reasonable minds might reach different conclusions is not a basis for the reversal of the Review Commission's decision.

In the instant case, the record contains evidence of Moore's text message to his employer to the effect that he can no longer work one day a week due to the cost of gas. The Review Commission found that evidence to support a finding that Moore quit his job without just cause, and was therefore ineligible for unemployment compensation benefits.

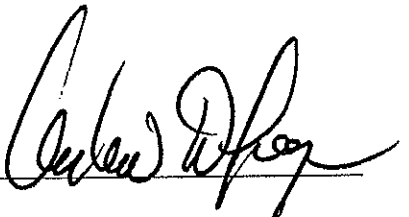
Even if this Court would interpret the evidence differently, a reviewing court may not rewrite the Commission's decision merely because it could or would interpret the evidence differently. This Court may not reverse the Commission's decision merely because different minds might reach different conclusions. The Court does not find that the decision of the Review Commission was "unlawful, unreasonable or against the manifest weight of the evidence".

Therefore, the Court affirms the decision of the Review Commission and does not find the administrative appeal as filed by Moore to be well taken. The case is dismissed at the cost of Appellant Moore.

This is a final and appealable order and there is no just cause for delay.

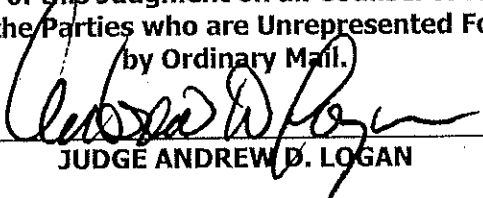
IT IS SO ORDERED.

Date: June 4, 2012
Copies to
SUSAN M SHEFFIELD MICHELLE WRONA FOX



JUDGE ANDREW D. LOGAN

**TO THE CLERK OF COURTS: You Are Ordered to Serve
Copies of this Judgment on all Counsel of Record
or Upon the Parties who are Unrepresented Forthwith
by Ordinary Mail.**



JUDGE ANDREW D. LOGAN