



he quit his employment without just cause. Smorado filed a notice of appeal for his denial of benefits to the Unemployment Compensation Review Commission (UCRC) on November 4, 2010.

The UCRC conducted an evidentiary hearing on March 2, 2011 and the hearing officer issued a decision on affirming the ODJFS's original denial of benefits. The hearing officer made these findings of fact:

The claimant (Mr. Smorado) was employed by the employer (PTI) from August of 2003 through August 31, 2010. At the time of the employment separation in question, the claimant was employed as a painter. The claimant quit work for the employer because of his objection to the employer's action to establish and enforce an employee handbook, as well as a non-disclosure and confidentiality agreement. The employer took the action to address its customer's security concerns about sensitive information to which the employer's employees had access. The employer provided advanced notice of the policies, and afforded the claimant the opportunity to consult with his attorney about the matter. The claimant refused to agree to the new policies and quit before the expiration of the time he was given to consult with his attorney.

Following the hearing officer's denial, Appellant filed an internal administrative Request for Review of the decision of the UCRC. On June 22, 2011, a final decision

Appellant then filed a Notice of Appeal in this Court on July 6, 2011.

After a comprehensive review of the administrative record on Appellant's claim, the Court affirms the decision of the UCRC denying Appellant's claim for unemployment benefits. The standard of review for the Court of Common Pleas in reviewing unemployment compensation appeals is spelled out in R.C. 4141.282(H). A court is to "reverse, vacate, or modify" a decision only when the record shows that the UCRC's decision was "unlawful, unreasonable, or against the manifest weight of the evidence." Ohio case law requires that although "reasonable minds might reach different conclusions" that "is not a basis for the reversal of the Board's (UCRC) decision." *Irvine v. Unemp. Comp. Bd. of Review* (1985), 19 Ohio St.3d 15, 17-18.

This Court finds that the UCRC had a rational factual basis for the conclusion that Appellant was without just cause in quitting his employment with PTI. Of particular weight to the hearing officer was that the appellant's termination of employment came *before* the employer's deadline to sign off on receipt of the new employee handbook and sign the confidentiality agreement. The UCRC record supports the finding that the Appellant did not lack an alternative to quitting employment at the time he walked off the job.

The standard in Ohio for determining whether a claimant's voluntary quitting of his employment is whether there was just cause for quitting. "Just cause. . . is that which, to an ordinarily intelligent person, is a justifiable reason for doing or not doing a particular act." 19 Ohio St. 3d 15, 16-18.

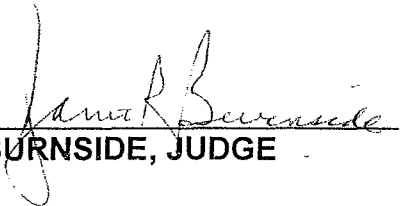
In light of the whole record, this Court finds that the Commission's decision was not unlawful, unreasonable, or against the manifest weight of the evidence in holding

that Appellant terminated his employment without a just cause.

The Court hereby affirms the decision of the Unemployment Compensation Review Commission in denying unemployment compensation benefits to Smorado.

This is a final judgment under R.C. 25025.02.

June 21, 2012

  
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JANET R. BURNSIDE, JUDGE

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