

IN THE COMMON PLEAS COURT, VINTON COUNTY, OHIO

FILED

2012 DEC 10 PM 3: 39

Risa A. Hilliland

VINTON COUNTY
CLERK OF COURTS

Larry Messenger

Appellant

Case No. 12CV0053

vs.

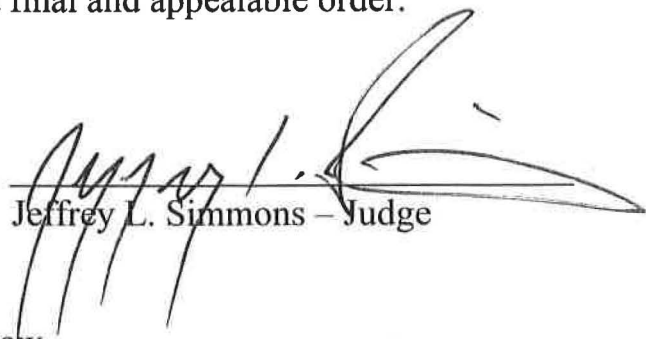
Austin Powder Company, Inc.

Appellee

ENTRY

This matter comes on for consideration of Appellee, Director, Ohio Department of Job and Family Services motion to dismiss for lack of subject-matter jurisdiction. The Court has considered the motion, memorandum in support, Larry Messenger's memorandum filed November 9, 2012, including the various attachments, and the certified transcript of the record of the proceedings before the Unemployment Compensation Review Commission. The Court finds that the appeal was filed on September 21, 2012. The deadline to file a timely appeal was September 17, 2012. The law is clear that this Court has no authority to consider any appeal that is not filed within thirty days after the written notice of the final decision of the unemployment compensation review commission is sent to all interested parties. The Court finds that the written notice was mailed on

August 17, 2012 so that any appeal would have to be filed by September 17, 2012. Since the appeal was not filed within thirty days, the Court must grant the Appellee's motion to dismiss for lack of subject matter jurisdiction. It is therefore ORDERED that the appeal is hereby Dismissed. Costs to Appellant Larry Messenger. This is a final and appealable order.



Jeffrey L. Simmons – Judge

Distribution:

- (1) Michelle T. Sutter – Attorney at Law
- (2) Larry Messenger
- (3) Austin Powder Company, Inc.