

**COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO
CIVIL DIVISION**

MONICA MAHAN, :
 :
 Appellant, : **CASE NO. 12CV-09-12107**
 :
 -vs- : **JUDGE KIMBERLY COCROFT**
 :
 :
 DIRECTOR, OHIO STATE :
 DEPARTMENT OF JOB :
 AND FAMILY SERVICES, et al., :
 :
 Appellees. :

DECISION AND ENTRY

COCROFT, JUDGE

This matter comes before this Court upon the October 24, 2012 motion to dismiss filed by the appellee, the Director of the Ohio Department of Job and Family Services. The appellant, Monica Mahan, filed an appeal pursuant to R.C. § 4141.282(H) from an August 22, 2012 Decision of the Unemployment Compensation Review Commission (“Review Commission”).

The record demonstrates that the Decision of the Review Commission was mailed on August 22, 2012. The record also demonstrates that the appellant filed her appeal untimely on September 25, 2012. R.C. 4141.282(A) statutorily requires that an appeal be filed “within thirty days after written notice of the final decision of the unemployment compensation review decision was sent to all interested parties,” which in this case would have been September 21, 2012.

The mailbox rule under Civ. R. 6(E) does not apply to extend the 30-day time limitation for filing notice of appeal from the determination of the Review Commission.

The time limitation for filing notice of appeal is jurisdictional, and an extension of this limitation by application of Rule 6(E) to R.C. 4141.28 would serve to expand the jurisdiction of a court of common pleas, in direct violation of Civ. R. 82. Thus, the only reason that an appeal period may be extended when appealing to an Ohio common pleas court is when the appeal deadline falls on a Saturday, Sunday, or holiday, or when the party did not receive the decision within the 30-day appeal period. Delays in the mail will not extend the time for filing the notice of appeal.

Upon review, the appeal deadline, September 21, 2012, was on a Friday, and thus did not extend the deadline in this case. See *Tru-Way Design & Engineering v. Wilson, et.al.*, 2008 Ohio 475; see also *Nicoll v. Ohio Dept. of Job and Family Serv.*, 2011 Ohio 5207. Accordingly, the Review Commission's motion to dismiss for lack of subject matter jurisdiction is hereby **GRANTED**.

This is a final, appealable Order. Pursuant to Civil Rule 58, the Clerk of Court shall serve upon all parties notice of this judgment and its date of entry.

IT IS SO ORDERED.

Copies to all parties registered for e-filing

Franklin County Court of Common Pleas

Date: 12-21-2012
Case Title: MONICA MAHAN -VS- OHIO STATE DEPARTMENT JOB
FAMILY SERVICE
Case Number: 12CV012107
Type: DECISION/ENTRY

It Is So Ordered.

A handwritten signature in black ink is written over a circular blue seal. The seal contains the text "FRANKLIN COUNTY OHIO" and "ALL THINGS ARE POSSIBLE".

/s/ Judge Kimberly Cocroft

Court Disposition

Case Number: 12CV012107

Case Style: MONICA MAHAN -VS- OHIO STATE DEPARTMENT
JOB FAMILY SERVICE

Final Appealable Order: Yes

Motion Tie Off Information:

1. Motion CMS Document Id: 12CV0121072012-10-2499980000
Document Title: 10-24-2012-MOTION TO DISMISS
Disposition: MOTION GRANTED