

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO

JONATHAN KINER,	:	
	:	
Appellant	:	CASE NO. 12CVF-14265
	:	
vs.	:	JUDGE BEATTY
	:	
OHIO STATE UNEMPLOYMENT	:	
COMPENSATION REVIEW COMMISSION,	:	
	:	
Appellee.	:	

DECISION AND JUDGMENT ENTRY
GRANTING MOTION TO DISMISS APPEAL AND
DENYING MOTION TO REVISE APPEAL
AND
NOTICE OF FINAL APPEALABLE ORDER

BEATTY, JUDGE

This matter is before the Court on a Motion to Dismiss filed on January 16, 2013 and a Motion to Revise Appeal filed January 18, 2013.

The Motion to Dismiss asserts that this case must be dismissed because Appellant failed to name the Director, Ohio Department of Job and Family Services (“ODJFS”), as an appellee in the notice of appeal.

R.C. 4141.282(D) provides that “[t]he director of job and family services is always an interested party and shall be named as an appellee in the notice of appeal.” In *Sydenstricker v. Donato’s Pizzeria*, 2010-Ohio-2953, ¶22, the Court of Appeals held that the trial court lacked jurisdiction because the appellant in that case failed to name ODJFS as an appellee in the notice of appeal.

Appellant’s Motion to Revise Appeal will be considered as a motion to amend the notice of appeal to add the Director of ODJFS as a party. A notice of appeal can be

amended only within the time allowed for filing of the notice of appeal. *Village of Hills & Dales v. Ohio Department of Educ.*, 10th Dist. No. 06AP-1249, 2007-Ohio-5156, ¶21-22. Here, Appellant's request to amend the notice of appeal was not made within the thirty day period for commencing an appeal from a final decision of the Review Commission. Accordingly, Appellant's Motion to Revise the Appeal is denied.

For the foregoing reasons, this case is DISMISSED. This is a final, appealable Order. Costs to Appellant.

IT IS SO ORDERED.

Franklin County Court of Common Pleas

Date: 01-30-2013
Case Title: JONATHAN KINER -VS- OHIO STATE UNEMPLOYMENT
COMPENSATION REV
Case Number: 12CV014265
Type: DECISION/ENTRY

It Is So Ordered.


The image shows a handwritten signature in cursive that reads "Laurel Beatty". The signature is written in black ink and is positioned over a circular official seal of the Franklin County Court of Common Pleas. The seal contains the text "COMMON PLEAS COURT" at the top, "FRANKLIN COUNTY" in the middle, and "ALL THINGS ARE POSSIBLE" at the bottom.

/s/ Judge Laurel A. Beatty

Court Disposition

Case Number: 12CV014265

Case Style: JONATHAN KINER -VS- OHIO STATE
UNEMPLOYMENT COMPENSATION REV

Case Terminated: 18 - Other Terminations

Final Appealable Order: Yes

Motion Tie Off Information:

1. Motion CMS Document Id: 12CV0142652013-01-1899970000
Document Title: 01-18-2013-MOTION TO FILE AMENDED
COMPLAINT
Disposition: MOTION DENIED
2. Motion CMS Document Id: 12CV0142652013-01-1799980000
Document Title: 01-17-2013-MOTION TO EXTEND TIME
Disposition: MOTION IS MOOT
3. Motion CMS Document Id: 12CV0142652013-01-1699980000
Document Title: 01-16-2013-MOTION TO DISMISS
Disposition: MOTION GRANTED