

notice of appeal.

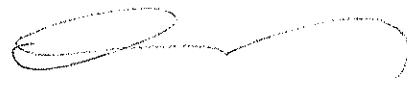
The Court finds, based upon the facts of this particular case, that it was unreasonable to find to Appellant's claim as untimely filed. The Director was placed on sufficient notice of the Appellant's intent to appeal her unfavorable decision in the Determination Identification number 223185253-1. The correspondence exchanged between the two parties along with the appellant's communication with the Office of Unemployment Compensation was sufficient to put the Director on notice of her intent to appeal the denial of her extensions and requirement for reimbursement.

It is therefore the decision of the Court that the Review Commission's decision is overturned and the matter is remanded for hearing on the merits of the August 18, 2011, determination.

It is so ORDERED.

There is no just cause for delay as this is a final appealable order.

The Clerk shall mail a copy of this Judgment/Order to all counsel of record and to each party not in default who is not represented by counsel and make note of the service in the Appearance Docket.



D. SCOTT BOWLING
JUDGE

PROOF OF SERVICE

A copy of the foregoing has been mailed to the following via regular U.S. Mail on February 28, 2013:

Patria V. Hoskins, Esquire
Assistant Attorney General
Health and Human Services Section
30 E. Broad Street, 26th Floor

Columbus, OH 43215

Tammy L. Greenwald, Esquire
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800 Gallia Street, Suite 700
Portsmouth, OH 45662



D. SCOTT BOWLING
JUDGE

IN THE COURT OF COMMON PLEAS
LAWRENCE COUNTY, OHIO

2013 JAN -9 AM 11:15

KENNA KELLEY,

*

APPELLANT,

NIKE PATTON
LAWRENCE CO
OHIO

CASE NO. 12 OC- 131

V.

*

MAGISTRATES DECISION

DIRECTOR, OHIO DEPARTMENT
OF JOB AND FAMILY SERVICES, et al.,

*

APPELLEES.


Upon review of the Magistrate’s Decision, the Court finds that 14 days have passed and hereby adopts the same and the following is the Order of this Court:


This matter has come before the court upon the Appellant’s appeal of the Unemployment Compensation Review Commission’s decision finding her claim as untimely filed.

The issue is whether using the incorrect Determination Identification number on her notice of appeal should result in a finding that the appeal was not timely filed. Apparently, the Appellant had only placed one of two separate Determination Identification numbers on her notice of appeal.

The Magistrate finds, based upon the facts of this particular case, that it was unreasonable to find to Appellant’s claim as untimely filed. The Director was placed on sufficient notice of the Appellant’s intent to appeal her unfavorable decision in the Determination Identification number 223185253-1. The correspondence exchanged between the two parties along with the appellant’s communication with the Office of Unemployment Compensation was sufficient to put the Director on notice of her intent to appeal the denial of her extensions and requirement for reimbursement.

It is therefore the decision of the court that the Review Commission's decision is overturned and the matter is remanded for hearing on the merits of the August 18, 2011 determination.


D. SCOTT BOWLING
JUDGE


D. J. WHORTER
MAGISTRATE

Proof of Service

A copy of the foregoing decision was sent to Tammy Greenwald, Attorney at Law, 800 Gallia St., Suite 700, Portsmouth, OH 45662 and to Patria Hoskins, Attorney at Law, 30 E. Broad St., 26th Floor, Columbus, OH 43215-3400 by regular U.S. Mail on the 9 day of ~~December~~, ~~Jan.~~ 2013

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