

IN THE COMMON PLEAS COURT OF JEFFERSON COUNTY, OHIO

MICHAEL A. DESANTIS

FILED
COMMON PLEAS COURT

**FINAL APPEALABLE
ORDER**

Appellant

2013 MAR -6 A 10:07

-vs-

JOHN A. CORRIGAN
CLERK OF COURTS
JEFFERSON COUNTY, OH

CASE NO. 12-CV-141

**OHIO DEPARTMENT OF
JOB AND FAMILY SERVICES**

JUDGE JOSEPH J. BRUZZESE, JR.

Appellee

This is an employee unemployment compensation appeal from the decision of the Ohio Unemployment Compensation Review Commission. The facts are simple and direct.

The Director issued his denial of Plaintiff's claim on June 20, 2011. Pursuant to the terms of Ohio Revised Code §4141.28(D)(1) Claimant should have filed his Appeal on or before July 11, 2011. He didn't.

Ohio Revised Code §4141.28(2) is a savings statute that extends the period for filing an Appeal. If the Appellant alleges and proves that he did not receive the original decision in a timely fashion. In that event the period for Appeal is extended to twenty-one (21) days after the original decision was actually received by him.

In this case Claimant claimed that he did not receive the June 20, 2011 order until August 23, 2011. The hearing officer accepted that testimony and found it to be fact. Pursuant to Ohio Revised Code §4141.28(2) the new deadline for filing an Appeal became twenty-one (21) days later, on

September 13, 2011. The Appeal was not filed "postmarked" until September 19, 2011, six (6) days late.

The Claimant does not contest any of these facts but alleges that he did not understand the filing deadline.

Under these circumstances the Court has no alternative but to affirm the Ohio Unemployment Compensation Review Commission.

Claimant's Appeal is dismissed.

This is a Final Appealable Order.



JUDGE JOSEPH J. BRUZZESE, JR

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