

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO

MANDI MATTICE,

CASE NO. 2012 CV 08804

Appellant,

JUDGE MARY KATHERINE HUFFMAN

-vs-

DECISION, ORDER AND ENTRY
SUSTAINING MOTION TO DISMISS;
ENTRY OF DISMISSAL

OHIO DEPARTMENT OF JOB AND
FAMILY SERVICES,

Appellee.

This matter is before the court on the Motion of Appellee, Ohio Department of Job & Family Services (hereinafter "ODJFS"), to Dismiss this administrative appeal for lack of jurisdiction. Said Motion was filed herein on March 6, 2013. Appellant has not responded to said Motion. This matter is now ripe for decision.

The facts herein are undisputed by the record. Appellant, Mandi Mattice, filed a request for unemployment compensation. Appellant had been employed by Jozabe Investments, Inc. The Director of ODJFS determined to allow the application with a benefit year beginning November 14, 2010. However, on June 21, 2012, the Director issued a Redetermination which found that Appellant was discharged by her employer without just cause in connection with work. On June 25, 2012 the employer, Jozabe Investments, Inc, filed an appeal from the Redetermination. On June 26, 2012, the Ohio Department of Job and Family Services transferred jurisdiction to the Unemployment Compensation Review Commission. On July 31, 2012 a hearing was held before Hearing Officer Jennifer Hanysh, by telephone. Appellant appeared as did a representative of the employer. On

August 15, 2012, the hearing officer's decision was issued, which found that Appellant was discharged by her employer for just cause in connection with work. Appellant then filed a timely Request for Review, which was allowed. A hearing was held on behalf of the Unemployment Compensation Review Commission on October 25, 2012. Following the hearing the Unemployment Compensation Review Commission affirmed the Hearing Officer's decision of August 15, 2012, and found that Appellant was discharged for just cause in connection with work. The Decision of the Unemployment Compensation Review Commission, dated November 28, 2012, specifically provided to Appellant a notice of her Appeal Rights. Included in the notice was the following:

The appellant must name all interested parties as appellees in the notice of appeal, including the Director of the Department of Job and Family Services.

The Decision also included the names and addresses of the interested parties, including Jozabe Investments, Inc., and the representative of the employer, as well as the Ohio Department of Job & Family Services.

On December 18, 2012 Appellant, Mandi Mattice filed her Notice of Administrative Appeal from the decision of the Unemployment Compensation Review Commission. In her Notice of Appeal Appellant did not name the employer, Jozabe Investments, Inc., as a party. Instead, Appellant named only the Ohio Department of Job & Family Services, Unemployment Committee, as a party to this appeal.

O.R.C. §4141.282 governs appeals from decisions of the Unemployment Compensation Review Commission. That statute provides, in pertinent part:

(D) INTERESTED PARTIES

The commission shall provide on its final decision the names and addresses of all interested parties. The appellant shall name all interested parties as appellees in the notice of appeal. The director of job and family services is always an interested party and shall be named as an appellee in the notice of appeal.

Where a right of appeal is conferred by a statute, the appeal can be perfected only in the manner prescribed by that statute, and the rights conferred are conditional upon compliance with the statutory requirements. *Zier v. Bur. of Unemp. Comp.*, 151 Ohio St. 123 (1949); *Dikong v. Ohio Supports, Inc.*, 2013-Ohio-33. The failure to name all interested parties, including the former employer, deprives the trial court of subject-matter jurisdiction over an unemployment compensation appeal. *Sydenstricker v. Donato's Pizzeria*, 2010-Ohio-2953; *Luton v. State of Ohio Unemp. Rev. Comm.*, 2013-Ohio-3963; *Dikong v. Ohio Supports, Inc.*, 2013-Ohio-33.

The court finds that Appellant was given notice in the Decision of the Unemployment Compensation Review Commission of the requirements to properly perfect her appeal and the notice contained within the Decision further listed all interested parties, and Appellant has failed to name an interested party, her former employer, Jozabe Investments, Inc. Given that Appellant, Mandi Mattice, failed to name the employer, Jozabe Investments, Inc., as a party to this appeal, and thus failed to strictly comply with the statutory requirements to perfect her appeal, the court finds the Motion to Dismiss of the Ohio Department of Jobs & Family Services to be well taken, as this court lacks jurisdiction to consider this matter. Said Motion to Dismiss is hereby **SUSTAINED** and this appeal is **DISMISSED**.

SO ORDERED:

JUDGE MARY KATHERINE HUFFMAN

THIS IS A FINAL APPEALABLE ORDER, AND THERE IS NOT JUST CAUSE FOR DELAY FOR PURPOSES OF CIV. R. 54. PURSUANT TO APP. R. 4, THE PARTIES SHALL FILE A NOTICE OF APPEAL WITHIN THIRTY (30) DAYS.

SO ORDERED.

JUDGE MARY KATHERINE HUFFMAN

To the Clerk of Courts:

Please serve the attorney for each party and each party not represented by counsel with Notice of Judgment and its date of entry upon the journal.

JUDGE MARY KATHERINE HUFFMAN

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General Division
Montgomery County Common Pleas Court
41 N. Perry Street, Dayton, Ohio 45422

Type: Decision
Case Number: 2012 CV 08804
Case Title: MANDI MATTICE vs OHIO DEPARTMENT OF JOB AND FAMILY SERVICES

So Ordered

Mary H. Huffman