

vacate, or modify the decision, or remand the matter to the commission. Otherwise, the court shall affirm the decision of the commission.” R.C. 4141.282(H).

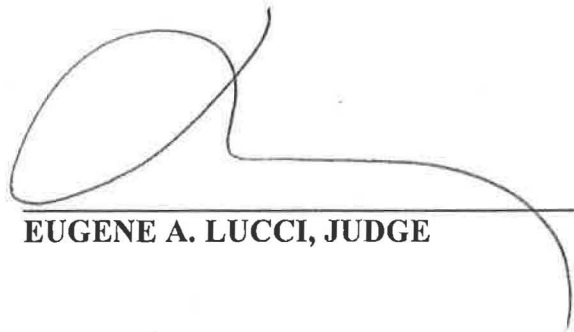
{¶5} A decision supported by some competent, credible evidence going to all essential elements of the dispute will not be reversed on appeal as being against the manifest weight of the evidence. *Shavers v. Administrator, Ohio Bureau of Unemployment Services*, 11th Dist. No. 3738, 1987 WL 26702 (Dec. 4, 1987). Accordingly, the duty of the reviewing court is to determine whether the Review Commission’s decision is supported by the evidence in the record. *Fredon Corp v. Zelenek*, 124 Ohio App. 3d 103, 109, 705 N.E.2d 703 (11th Dist. 1997).

{¶6} The court must give deference to the Review Commission in its role as the finder of fact. *Fisher v. Bill Lake Buick* (Feb. 2, 2006), Cuyahoga App. No. 86338, 2006-Ohio-457, 2006 WL 250726 at ¶ 24, citing *Irvine v. State Unemployment Comp. Bd. of Rev.* (1985), 19 Ohio St.3d 15, 482 N.E.2d 587. The court “is not permitted to make factual findings or to determine the credibility of witnesses.” *Irvine* at 18. Nor can the court reverse a decision simply because “reasonable minds might reach different conclusions.” *Id.* In fact, if an issue is close and the Review Commission could conceivably decide either way, courts must affirm the commission. *Fisher* at ¶ 24. Thus, that the appellant presents evidence which, if believed, could result in a different finding does not make the Review Commission’s decision unlawful, unreasonable, or against the manifest weight of the evidence.

{¶7} The appellant maintains that he was fired from his employment. However, the hearing officer found that on March 7, 2012, the appellant left the premises of his employer and failed to return, thereby abandoning his employment. The hearing officer, based on this finding, determined that the appellant had quit his employment without just cause. The employer presented testimony at the July 10, 2012 telephone hearing that on March 7, 2012, the appellant left work for lunch and failed to return. Transcript of July 10, 2012 telephone hearing, pp. 8-9.

{¶8} The record contains competent, credible evidence supporting the hearing officer’s findings. Accordingly, the decision of the Review Commission is not unlawful, unreasonable, or against the manifest weight of the evidence. Therefore, the decision of the Review Commission is affirmed. Court costs are assessed to the appellant.

{¶9} IT IS SO ORDERED.



EUGENE A. LUCCI, JUDGE

c: John Roper, Appellant
Nichols Mfg.
Laurence Snyder, Esq., Attorney for ODJFS

FINAL APPEALABLE ORDER
Clerk to serve pursuant
To Civ.R. 58(B)