

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO
CIVIL DIVISION

TRACY LYNN SALYERS,

CASE NO.: 2012 CV 08174

Appellant,

JUDGE BARBARA P. GORMAN

-vs.-

UC REVIEW COMMISSION, OHIO
DEPARTMENT OF JOB/FAMILY SERVICES, et
al.,

**DECISION, ORDER AND ENTRY
OVERRULING REQUEST TO VACATE
THE REVIEW COMMISSION'S
DECISION**

Appellees.

This matter is before the Court on the administrative appeal by Tracy Lynn Salyers of the decision of the Ohio Unemployment Compensation Review Commission on November 16, 2012. Appellant Salyers never filed a brief in support of her appeal. On April 1, 2013, the Ohio Department of Job and Family Services filed its *Motion to Dismiss*. This matter is properly before the Court. On April 3, 2013 *Appellee Community Blood Center/Community Tissue Services' Motion to Dismiss* was filed. Appellant did not respond to either Motion to Dismiss.

This appeal of the Commission's ruling is pursuant to O.R.C. Section 4141.282, which permits the review of an order of the Commission by the appropriate common pleas court. Pursuant to O.R.C. Section 4141.282(D), "[t]he director of Jobs and Family Services is always an interested party and shall be named as an appellee in the notice of appeal." Appellant Salyers did not name the Director, and did not respond to the Motions to Dismiss to give any reason why she did not. Naming all necessary parties, including the Director, is necessary to confer jurisdiction onto the Common Pleas Court. Thus, this Court lacks subject matter jurisdiction to hear Appellant Salyers' appeal, and it must be dismissed as to all parties.

Accordingly, the Ohio Department of Job and Family Services' *Motion to Dismiss* is hereby SUSTAINED in its entirety; and *Appellee Community Blood Center/Community Tissue Services' Motion to Dismiss* is hereby SUSTAINED in its entirety. The *Notice of Appeal* filed by Appellant Tracy Lynn Salyers is hereby DISMISSED for lack of subject matter jurisdiction..

This is a final appealable order, and there is not just cause for delay for purposes of Ohio Civ. R. 54. Therefore, the time for prosecution and appeal to the Second District Court of Appeals must be computed from the date upon which this decision and entry is filed.

The above captioned case is ordered terminated upon the records of the Common Pleas Court of Montgomery County, Ohio.

Appellee's costs are to be paid by Appellant.

SO ORDERED:

BARBARA P. GORMAN, JUDGE

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.

BARBARA P. GORMAN, JUDGE

Copies of this Order were sent today by ordinary mail to all persons listed below.

Tracy Lynn Salyers
1194 Maue Rd.
Miamisburg, OH 45342

The following persons were notified of this Decision, Order and Entry through the electronic notification system of the Clerk of Courts.

Allison D. Michael
Yvonne Tertel

Phyllis Treat, Bailiff (937) 225-4392 ptreat@montcourt.org



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

Type: Decision
Case Number: 2012 CV 08174
Case Title: TRACY LYNN SALYERS vs COMMUNITY BLOOD CENTER INC

So Ordered

Barbara Pegler Gorman