

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

TYCELIA CRAWFORD,

CASE NO.: 2013 CV 02519

Plaintiff(s),

JUDGE TIMOTHY N. O'CONNELL

-vs-

UNITED DAIRY FARMERS INC et al.,

**DECISION, ORDER AND ENTRY
GRANTING UDF AND ODJFS'
MOTION(S) TO DISMISS**

Defendant(s).

This matter is before the Court on Appellee/Defendant, Director, Ohio Department of Job & Family Services' ("ODJFS") *Motion to Dismiss* that was filed on May 9, 2013. Appellee United Dairy Farmers, Inc. ("UDF") also filed a *Motion to Dismiss* on May 28, 2013. Appellant Tycelia Crawford ("Crawford") failed to file any memoranda in opposition.

I. LAW AND ANALYSIS

ODJFS and UDF argue that Crawford failed to file her *Notice of Appeal* within 30 days after the written notice of the final decision of the Commission was mailed to her, as required by O.R.C. 4141.282(A). ODJFS and UDF contend that the time limitation is a condition precedent to jurisdiction of this Court, and thus the Court lacks jurisdiction over this matter.

Crawford has failed to file any arguments in opposition.

Crawford seeks an administrative appeal pursuant to O.R.C. 4141.282 from the decision of the State of Ohio Unemployment Compensation Review Commission (the "Commission"). The Commission's decision was mailed to Crawford on March 7, 2013.

O.R.C. 4141.282(A) states: “[a]ny interested party, within thirty days after written notice of the final decision of the unemployment compensation review commission was sent to all interested parties, may appeal the decision of the commission to the court of common pleas.”

The written notice of the final decision of the unemployment compensation review commission was sent to Crawford on March 7, 2013. Crawford did not file her *Notice of Administrative Appeal* until April 24, 2013. Crawford’s *Notice of Administrative Appeal* was not filed within 30 days from the final decision of the Commission. The Court finds that Crawford’s *Notice of Administrative Appeal* filed on April 24, 2013 was untimely. Based on this, the Court lacks subject matter jurisdiction over the matter.¹ ODJFS and UDF’s *Motion(s) to Dismiss* are GRANTED as to this argument.

II. CONCLUSION

After duly considering the above matter, UDF’s and ODJFS’ *Motion(s) to Dismiss* are hereby GRANTED.

This is a final appealable order, and there is not just cause for delay for the purposes of Civ. R. 54. Pursuant to App. R. 4, the parties shall file a Notice of Appeal within thirty (30) days.

SO ORDERED:

TIMOTHY N. O’CONNELL, 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.**

SO ORDERED:

JUDGE TIMOTHY N. O’CONNELL

¹ *Fulton v. Unemployment Comp. Review Comm’n*, Lucas App. No. L-07-1209, 2008 Ohio 2094 (May 2, 2008).

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

Type: Decision Sustaining Motion
Case Number: 2013 CV 02519
Case Title: TYCELIA CRAWFORD vs UNITED DAIRY FARMERS INC

So Ordered

Timothy N. O'Connell