

FILED
LUCAS COUNTY

2013 AUG -6 A 11:08

COMMON PLEAS COURT
CLERK OF COURT

IN THE COURT OF COMMON PLEAS OF LUCAS COUNTY, OHIO

Schmakel Eye Care, Inc.,

Appellant,

vs.

Carolyn A. Burchett,

Appellee.

* Case No. CI 13-2801
* Honorable Dean Mandros
* **OPINION AND JUDGMENT**
* **ENTRY**
*
*

R.C. 4141.282 states in pertinent part: "Any 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 notice of appeal shall identify the decision appealed from. * * * 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."

On May 8, 2013, Schmakel Eye Care, Inc. filed a Notice of Appeal naming only Carolyn A. Burchett as Appellee. An Amended Notice of Appeal was filed July 18, 2013, naming only Ohio Department of Job and Family Services as Appellee. Neither Notice of Appeal identified the decision appealed from or attached a copy of the decision appealed from. Both Notices of Appeal failed to name all interested parties as Appellees. Finally, the Ohio Department of Job and Family Services was never served with a copy of either Notice of Appeal.

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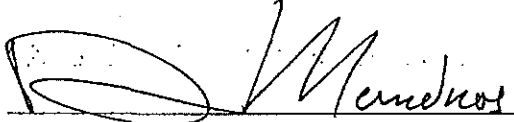
Accordingly, the Court concludes that Appellant failed to follow the statutory requirements under R.C. 4141.282 and the Court, therefore, lacks subject-matter jurisdiction over the appeal. *Dikong v. Ohio Supports, Inc.*, 1st Dist. No. C-120057, 2013-Ohio-33, 985 N.E.2d 949 (Because the notice of appeal did not name the director of the Department of Job and Family Services and the notice was not amended to name the director within the 30-day period during which an amended notice of appeal could have been filed, the trial court never acquired subject-matter jurisdiction over the appeal.); *Sydenstricker v. Donato's Pizzeria, LLC*, 11th Dist. No. 2009-L-149, 2010-Ohio-2953, 2010 Ohio App. LEXIS 2455.

JUDGMENT ENTRY

It is **ORDERED** that the case is **DISMISSED**. This is a final and appealable order.

Date:

8-6-13


Dean Mandros, Judge