

IN THE COMMON PLEAS COURT, VINTON COUNTY, OHIO

FILED

2013 OCT -4 PM 4:42

*Risa A. Hillbrand*  
VINTON COUNTY  
CLERK OF COURTS

**Patrick A. Holobaugh**

Appellant

Case No. 12CV0045

vs.

**Ohio Department of Job  
and Family Services**

Appellee

ENTRY

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of

This matter comes on for decision on the appeal of the Administrative Appeal Decision of the Ohio Department of Human Services mailed on July 9, 2012. The Court has considered the record, including the record filed August 20, 2012, the transcript of the administrative hearing filed January 8, 2013, Brief of Appellant, Brief of Appellee and Reply Brief of Appellant.

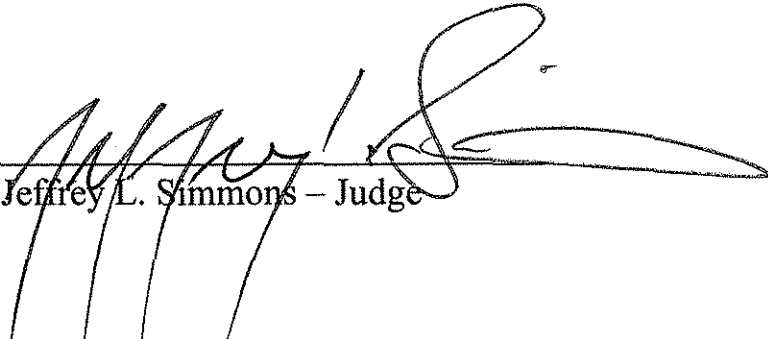
It is clear Appellant has severe medical problems. He had a heart attack at age 21, was hospitalized for nearly two months and had open heart surgery. He then began to suffer from anxiety. He attempted to work after the surgery but was not able to do the heavy work of a laborer and left after several months. A nuclear stress test indicated an ejection factor of 55% and a pulmonary function test in May, 2010 indicated moderate obstructive

airway disease. A catheterization in April, 2011 indicated a 10% stenosis in three arteries. Despite these conditions, the Ohio Department of Job and Family Services determined that Appellant could perform work in the national economy and denied Appellant's applications. The essential issue is whether Appellant can do other work. In the present case there was evidence through the agency representative of the availability of other work in addition to taking administrative notice of the availability of such jobs.

Based upon a review of the record, the Court cannot find that the decision to deny benefits was not supported by reliable, probative and substantial evidence. The Ohio Department of Job and Family Services was not required to rely upon a vocational expert to determine that unskilled, light and medium jobs are available in the national economy. It is therefore

ORDERED:

- (1) Ohio Department of Job and Family Services was not required to use a vocational expert to support its decision that jobs were available in the national economy.
- (2) There is reliable, probative and substantial evidence to support the Ohio Department of Job and Family Services decision.
- (3) Appellant's appeal is Denied.
- (4) This is a final and appealable order.



Jeffrey L. Simmons – Judge

Distribution:

- (1) Anne S. Rubin – Attorney for Appellant
- (2) Alan Schwepe – Attorney for Appellee