

STATE OF OHIO, COUNTY OF BELMONT
COURT OF COMMON PLEAS

FILED
COMMON PLEAS COURT
BELMONT CO., OHIO

ELIZABETH A. HUBER,
APPELLANT,

2013 OCT 21 AM 8 31

CASE NO. 12 CV 438
CYNTHIA K. MOGEE
CLERK OF COURT

V.

STATE OF OHIO UNEMPLOYMENT
COMPENSATION REVIEW COMMISSION,
et al.,

DECISION AND
JUDGMENT ENTRY

APPELLEES.

I. INTRODUCTION

The Unemployment Compensation Review Commission affirmed the Hearing Officer's finding that Elizabeth M. Huber, the Appellant, made fraudulent misrepresentations with the intent of obtaining benefits to which she was not entitled. Appellant was ordered to repay the overpayment and was declared ineligible to receive additional benefits for a set period of time. Appellant has appealed that decision to this Court.

II. FACTS

Appellant had two jobs with the Martins Ferry City Board of Education, and was laid off from one of those two positions. On June 8, 2010, she filed an application for unemployment compensation benefits. She filed weekly unemployment claims and received benefit payments.

On each weekly claim form Appellant stated she did not work and had zero income, although she continued to be employed as a part-time bus driver with the same employer.

Appellant explained that she had been advised to answer in such a fashion and it was by mistake, not fraud.

III. STANDARD OF REVIEW

This Court may only reverse the subject decision if it is unlawful, unreasonable, or against the manifest weight of the evidence. A reversal cannot be had if the decision is supported by some competent credible evidence. The intent to commit fraud may be inferred (which is always the case unless there is a fraud admission) and this Court is not permitted to second-guess the trier of fact and is not permitted to make a credibility determination.

IV. ANALYSIS

The question repeatedly posed to Appellant was merely whether Appellant was working. This question was quite simple. There was no ambiguity. There was no uncertainty. There was no confusion. Appellant provided a false answer. She did so with the specific intent to receive benefits. Based upon the false answer to a simple clear question, she received benefits. Fraud was inferred. This Court will not reassess Appellant's credibility as to her claim of mistake.

V. CONCLUSION

The decision of the Unemployment Compensation Review Hearing Officer and Board are hereby affirmed and the appeal is dismissed.


FRANK A. FREGIATO - JUDGE