

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

DEANNA L. PATTERSON,	□	CASE NUMBER 13CV5174
][
APPELLANT,	□	JUDGE LYNCH
][
vs.	□	MAGISTRATE MCCARTHY
][
DIRECTOR, OHIO DEPT.	□	
OF JOB AND FAMILY SERVICES][
	□	
APPELLEE][

DECISION

LYNCH, J.

This is an administrative appeal from an adjudication order issued by the Unemployment Compensation Review Commission on April 11, 2013 denying review of its hearing officer's decision denying appellant's request for unemployment compensation. The commission's operative decision found that appellant quit her employment without just cause and was thus disqualified from receiving benefits for the entire duration of her unemployment in accordance with R.C. 4141.29(D)(2)(a), which provides:

- (D) Notwithstanding division (A) of this section, no Individual may serve a waiting period or be paid benefits under the following conditions:
 - (2) For the duration of the individual's unemployment if the administrator finds that:
 - (a) The individual quit work without just cause or has been discharged for just cause in connection with the individual's work . . .

In reviewing a decision of the Unemployment Compensation Review Commission, an appellate court may reverse the Commission's decision only if it

is unlawful, unreasonable, or against the manifest weight of the evidence. R.C. § 4141.282(H); *Tzangas, Plakas & Mannos v. Ohio Bur. of Emp. Serv.* (1995), 73 Ohio St. 3d 694, at 696. Reviewing courts should defer to the Commission's findings regarding the determination of purely factual issues, such as the credibility of witnesses and the weight to be given to conflicting evidence. *Angelkovski v. Buckeye Potato Chips Co.* (1983), 11 Ohio App. 3d 159, 161.

Although a reviewing court may not make factual findings or determine the credibility of witnesses, it has the duty of determining whether the evidence in the record supports the administrative agency's decision. *Tzangas, supra* at 696. The court may not reverse the decision of the agency, however, simply because it interprets the evidence differently than did the agency. *Angelkovski, supra* at 161. The fact that reasonable minds might reach different conclusions is not a basis for the reversal of the agency's decision. *Tzangas, supra*.

The claimant has the burden of proving her entitlement to unemployment compensation benefits under Ohio Rev. Code Ann. § 4141.29(D)(2)(a), including the existence of just cause for quitting her work. *Irvine v. Unemployment Compensation Bd. of Review* (1985), 19 Ohio St. 3d 15. In the instant case, appellant was an employee and 50% owner of Coshocton Trucking, Inc. The controlling issue of dispute between the parties is whether appellant left her employment with just cause or, alternatively, if she left in the absence of just cause. Appellant has the burden of proof on the issue that she quit her work for just cause. *Id*; *Ohio Turnpike Commission vs. Saunders* (Nov. 12, 1992), Cuyahoga App. No. 61059, unreported.

There is no slide rule definition of the term "just cause." Each case must be considered upon its particular merits. *Tzangas, supra*. The determination of what constitutes just cause must be analyzed in conjunction with the legislative purpose underlying the Unemployment Compensation Act. That purpose is to aid those employees who are out of work through no fault of their own. *Id.* Traditionally, just cause, in the statutory sense, is that which, to an ordinarily intelligent person, is a justifiable reason for doing or not doing a particular act. *Peyton v. Sun TV* (1975), 44 Ohio App. 2d 10.

Additionally, R.C. 4141.46 mandates that the Unemployment Compensation Act be liberally construed. Moreover, it has been held the Act is to be liberally construed in favor of the persons benefiting from it. *Abate v. Wheeling-Pittsburgh Steel Corp.* (1998), 126 Ohio App.3d 742, 748. It is important to keep in mind, however, the purpose of the Act is to provide financial assistance to those without employment through no fault of their own. *Irvine v. State of Ohio Unemp. Comp. Bd. of Rev.* (1985), 19 Ohio St.3d 15.

In the instant action, appellant was the executive vice president, treasurer and corporate secretary of the Coshocton, Ohio company owned equally by her and her husband. Appellant claims her husband, the president of the company, had been harassing her for years "to the point that it became unbearable." Appellant acknowledges that the husband "abused me (verbally) at work as well as at home." The parties were approaching divorce status and appellant had just rented an apartment in Columbus. She had been packing up some personal belongings when, on April 19, 2011 while at work, appellant took her computer

and personal belongings and walked out of her workplace. She acknowledged, "it is a toss-up as to me quitting."

Appellant's former husband denied humiliating appellant in front of other employees and denied that she "was pushed out of work." He related that for six months before appellant quit work, she related that she was going to quit working the hours she did. Further, he testified he was told by appellant that she wanted to do some things she had longed to do, including spending more time and going to Columbus to be a close-by grandmother. The former husband denied repeatedly yelling at appellant at work.

In her appeal, appellant suggests that because the decision below contains some typographically incorrect dates, the hearing officer may have been led to believe appellant may have returned to work following quitting her employment on April 19, 2011. Upon review of the entire record, it is plain that the hearing officer fully understood the facts of the case and the chronology of events. His repetition of the correct facts demonstrates this knowledge.

Appellant further contends the hearing officer failed to consider the circumstance that witnesses to the incident on April 19, 2011 were still employed at the company and "were not at liberty to testify on behalf of the Appellant without risking their employment." There is nothing substantive in the record to support this assertion.

Appellant contends the hearing officer also failed to consider R.C. 4141.29 inasmuch as appellant did not waive her right to unemployment benefits. Waiver was not an issue in this case and played no role in its outcome.

As mentioned above, there does not exist a mathematically calculable definition of the term "just cause." Each case must be considered upon its individual merits. The determination of what constitutes just cause must be analyzed considering the legislative purpose of unemployment compensation, to wit, to aid those employees who are out of work through no fault of their own. In this instance, the record fully supports the reasoning and decision of the hearing officer.

Upon a full review of the record and for the reasons expressed herein, the court finds the subject adjudicative order is not unlawful, unreasonable, or against the manifest weight of the evidence and is in accordance with law. The decision below is therefore affirmed. Judgment is hereby entered in favor of appellee. Costs to be paid by appellant.

Julie M. Lynch, Judge

Copies to:

C. Christopher Alley, Esq.
6895 East Main Street
Reynoldsburg, Ohio 43068
Counsel for Appellant

Patria V. Hoskins, Esq.
Counsel for Appellee

Franklin County Court of Common Pleas

Date: 10-24-2013
Case Title: DEANNA L PATTERSON -VS- OHIO STATE DEPARTMENT JOB
& FAMILY SERVI ET AL
Case Number: 13CV005174
Type: DECISION

It Is So Ordered.

The image shows a handwritten signature in cursive that reads "Julie M. Lynch". To the right of the signature is a circular official seal. The seal contains the text "FRANKLIN COUNTY OHIO" at the top and "CLERK OF COURTS" at the bottom. In the center of the seal, there is a smaller circular emblem with the text "EST. 1803" and "OHIO" around it.

/s/ Judge Julie M. Lynch