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**IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO**

THEODORE A. VANYO
Plaintiff

Case No: CV-12-796005

Judge: PETER J CORRIGAN

ALLIEDBARTON SECURITY SERVICES, LLC - ET
AL.
Defendant

JOURNAL ENTRY

96 DISP.OTHER - FINAL

THIS IS AN ADMINISTRATIVE APPEAL FROM THE OHIO UNEMPLOYMENT COMPENSATION REVIEW COMMISSION ("REVIEW COMMISSION") PURSUANT TO R.C. 4141.282. THE REVIEW COMMISSION FOUND THAT CLAIMANT-APPELLANT THEODORE VANYO WAS DISCHARGED FROM EMPLOYMENT WITH APPELLEE ALLIEDBARTON SECURITY SERVICES ("ALLIEDBARTON") FOR JUST CAUSE. FOR THE FOLLOWING REASONS, THE COURT DETERMINES THAT THE DECISION OF THE REVIEW COMMISSION IS UNLAWFUL, UNREASONABLE, OR AGAINST THE MANIFEST WEIGHT OF THE EVIDENCE AND IS REVERSED.

ALLIEDBARTON CLAIMS THAT APPELLANT VIOLATED A COMPANY POLICY OF NO TOLERANCE FOR RACIAL DISCRIMINATION. THE COMMISSION'S FILE CONTAINS A DOCUMENT DESCRIBING NO TOLERANCE FOR DISCRIMINATION BASED ON RACE OR NATIONAL ORIGIN. APPELLANT'S WORDS OVERHEARD BY A CLIENT EMPLOYEE ("WHAT IS HE POLISH?") APPARENTLY IS CONSIDERED INSULTING BY ALLIEDBARTON. ALLIEDBARTON'S HANDBOOK DOCUMENT DEFINES DISCRIMINATION AS TREATING SOMEONE DIFFERENTLY BECAUSE OF THEIR RACE OR NATIONAL ORIGIN. THE HEARING OFFICER DID NOT INDICATE WHETHER THAT DOCUMENT WAS CONSIDERED.

MOREOVER, THERE IS NO EVIDENCE THE CLIENT EMPLOYEE WAS TREATED DIFFERENTLY BECAUSE OF HIS RACE OR NATIONAL ORIGIN. THERE IS NO EVIDENCE THAT APPELLANT KNEW THE RACE OR NATIONAL ORIGIN OF THE CLIENT EMPLOYEE.

THEREFORE, THE RECORD IS DEVOID OF SUBSTANTIAL PROBATIVE EVIDENCE THAT ALLIEDBARTON HAD JUST CAUSE TO DISCHARGE APPELLANT FOR VIOLATING A COMPANY RULE. THE COMMISSION'S DECISION IS REVERSED.

COURT COSTS TO BE PAID BY APPELLEE.
COURT COST ASSESSED AS DIRECTED.

Judge Signature

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