



81765079

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

KEVIN MITCHELL
Plaintiff

DIRECTOR, OHIO DEPT. OF JOB & FAMILY SERV-
ET AL
Defendant

Case No: CV-12-779883

Judge: STEVEN E GALL

JOURNAL ENTRY

96 DISP.OTHER - FINAL

THIS MATTER CAME FOR CONSIDERATION BEFORE THE COURT ON AN ADMINISTRATIVE APPEAL TO THIS COURT PURSUANT TO R.C. 4141.282.

APPELLANT WAS TERMINATED FROM HIS EMPLOYMENT AND APPLIED FOR UNEMPLOYMENT BENEFITS WHICH WERE DENIED BY THE OHIO DEPARTMENT OF JOB AND FAMILY SERVICES AND THE UNEMPLOYMENT COMPENSATION REVIEW COMMISSION.

APPELLANT APPEALED THE DECISION TO THE COMMON PLEAS COURT IN CV 11 758710. IN A JOURNAL ENTRY ISSUED NOVEMBER 29, 2011, THE COURT REMANDED THE CLAIM FOR A NEW HEARING ON WHETHER APPELLANT WAS DISCHARGED FOR JUST CAUSE IN CONNECTION WITH WORK.

ON FEBRUARY 6, 2012 AND FEBRUARY 27, 2012, HEARINGS WERE HELD BEFORE THE UNEMPLOYMENT COMPENSATION REVIEW COMMISSION. THE HEARING OFFICER FOUND THAT APPELLANT WAS DISCHARGED FOR JUST CAUSE AND WAS NOT ENTITLED TO BENEFITS.

PURSUANT TO R.C. 4141.282, THE COURT SHALL HEAR THE APPEAL ON THE CERTIFIED RECORD PROVIDED BY THE COMMISSION. IF THE COURT FINDS THAT THE DECISION OF THE COMMISSION WAS UNLAWFUL, UNREASONABLE, OR AGAINST THE MANIFEST WEIGHT OF THE EVIDENCE, IT SHALL REVERSE, VACATE, OR MODIFY THE DECISION, OR REMAND THE MATTER TO THE COMMISSION. OTHERWISE, THE COURT SHALL AFFIRM THE DECISION OF THE COMMISSION.

AFTER A CAREFUL REVIEW OF THE ENTIRE RECORD, THE COURT FINDS THE ADMINISTRATIVE DECISION WAS NOT UNLAWFUL, UNREASONABLE OR AGAINST THE MANIFEST WEIGHT OF THE EVIDENCE.

THE REVIEW COMMISSION'S DECISION IS HEREBY AFFIRMED. FINAL.

COURT COST ASSESSED TO THE PLAINTIFF(S).

Judge Signature

11/04/2013

- 96
11/04/2013

RECEIVED FOR FILING
11/04/2013 16:37:33
ANDREA F. ROCCO, CLERK