

IN THE COURT OF COMMON PLEAS OF FRANKLIN COUNTY, OHIO

TIEA T. LAWRENCE,	:	
	:	
Appellant,	:	CASE NO. 13 CVF-08-8871
vs.	:	
	:	JUDGE TIMOTHY S. HORTON
OHIO STATE UNEMPLOYMENT	:	
REVIEW COMMISSION, <i>et al.</i> ,	:	
	:	
Appellees.	:	

DECISION AND ENTRY
GRANTING DIRECTOR, OHIO DEPARTMENT OF JOB AND FAMILY SERVICES'
MOTION TO DISMISS AS FILED ON AUGUST 27, 2013

The above-styled case is before the Court on an appeal filed by Appellant Lawrence. On August 27, 2013 the Director of the Ohio Department of Jobs and Family Services (“ODJFS”) filed Motion to Dismiss, requesting that the matter be dismissed pursuant to R.C. 4141.282(D). Appellant filed no response to the motion. For the reasons that follow, Appellee’s Motion to Dismiss for lack of jurisdiction is **GRANTED**.

The Appellant applied to secure unemployment compensation. After a hearing on the issue, her claim was denied. Appellant filed a *pro se* Notice of Appeal on August 11, 2013. The Notice of Appeal named the following parties:

UNEMPLOYMENT COMMISSION REVIEW
30 E Broad Street, 32nd Floor
Columbus, Ohio 43215

EMPLOYER: THE AUSTIN LAWRENCE COMPANY
A225 Dublin Rd
Columbus, Ohio 43215

For the purposes of this Court’s resolution of this matter, there are no facts in dispute. The certified record shows that the Decision disallowing review did contain the following instructions¹:

An appeal from this decision may be filed to the Court of Common Pleas of the county where the appellant, if an employee, is resident or was last employed, or of the county where the appellant, if an

¹ The darker text is a ‘copy image’ taken from page 339 of the scanned certified record filed with this Court.

employer, is resident or has the principal place of business in this state, within thirty (30) days from the date of mailing of this decision, as set forth in Section 4141.282, Revised Code of Ohio. The appellant must name all interested parties as appellees in the notice of appeal, including the Director of the Department of Job and Family Services.

The same document also provided Appellant with the proper address for the Director. However, Appellant's Notice of Appeal did not name the Director of ODJFS. Appellee ODJFS asserts that Appellant's failure to name the Director is a jurisdictional defect in the pleading.

Time and time again the courts of Ohio have indicated that strict compliance with R.C. 4141.282 is necessary in order for a party to perfect an appeal to this Court. The Supreme Court has held that an appeal "can be perfected only in the mode prescribed by statute." *Luton v. State of Ohio Unemployment Revision Commission*, 8th Dist No. 97996, 2012-Ohio-3963, 2012 Ohio App. LEXIS 3494, ¶¶6-9, quoting *Zier v. Bur. of Unemp. Comp.*, 151 Ohio St. 123, 84 N.E.2d 746 (1949), paragraph one of the syllabus. "[C]ompliance with the[] specific and mandatory requirements governing the filing of such notice is essential to invoke the jurisdiction of a Court of Common Pleas." *Id.*, quoting *Zier* at paragraph two of the syllabus. "Subject matter jurisdiction connotes the power to hear and decide a case upon its merits." *Althof v. State*, 4th Dist No. 04CA16, 2006-Ohio-502, 2006 Ohio App. LEXIS 433, ¶7.

The pertinent portion of R.C. 4141.282, the statute governing the appeal process involved herein, states as follows:

(D) The commission shall provide on its final decision the names and addresses of all interested parties. The appellant shall name all interested parties as appellees in the notice of appeal. The director of job and family services is always an interested party and shall be named as an appellee in the notice of appeal.

It is clear that Appellant failed to name the Director of ODJFS as mandated by the language of R.C. 4141.282(D). The Court notes that the Decision Disallowing Request for Review provided Appellant with notice that inclusion of the Director of ODJFS was required if she was going to successfully appeal the Decision and thereby vest jurisdiction with this Court. Appellant either failed to comply with or understand the instructions. Appellant also failed to file any response to Appellee's Motion to Dismiss.

While the result may be harsh, Appellant's Notice of Appeal did not comply with the strict rule of the statute and therefore, this Court does not have jurisdiction to review the matter. Appellant's appeal is hereby **DISMISSED** for lack of jurisdiction.

THIS IS A FINAL APPEALABLE ORDER.

IT IS SO ORDERED.

JUDGE TIMOTHY S. HORTON

Copies To:

(via Electronic Delivery)

Tiea T. Lawrence
Appellant, *pro se*

Alan Schwepe
Assistant Attorney General
Counsel for Director of Dept. of Job and Family Services

(via U.S. Mail)

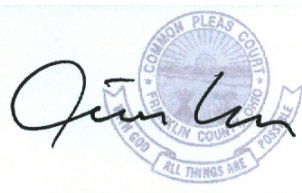
Ohio State Unemployment Commission
30 E. Broad St., 32nd Fl.
Columbus, Ohio 43215
Appellee, *pro se*

Austin Lawrence Company
1225 Dublin Road
Columbus, Ohio 43215
Appellee, *pro se*

Franklin County Court of Common Pleas

Date: 11-20-2013
Case Title: TIEA T LAWRENCE -VS- OHIO STATE UNEMPLOYMENT
COMMISSION REVIE ET AL
Case Number: 13CV008871
Type: DECISION/ENTRY

It Is So Ordered.

A blue circular seal of the Franklin County Court of Common Pleas, Ohio, is centered on the page. The seal features a sunburst in the center and the text "FRANKLIN COUNTY COURT OF COMMON PLEAS OHIO" around the perimeter. A banner at the bottom of the seal reads "ALL THINGS ARE POSSIBLE". Overlaid on the seal is a handwritten signature in black ink, which appears to read "Timothy S. Horton".

/s/ Judge Timothy S. Horton

Court Disposition

Case Number: 13CV008871

Case Style: TIEA T LAWRENCE -VS- OHIO STATE
UNEMPLOYMENT COMMISSION REVIE ET AL

Case Terminated: 08 - Dismissal with/without prejudice

Final Appealable Order: Yes

Motion Tie Off Information:

1. Motion CMS Document Id: 13CV0088712013-08-2799980000
Document Title: 08-27-2013-MOTION TO DISMISS
Disposition: MOTION GRANTED