

**COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO  
CIVIL DIVISION**

<b>RONDA JORDAN,</b>	:	
<b>Appellant,</b>	:	<b>CASE NO. 13 CV 6148</b>
<b>-vs-</b>	:	<b>JUDGE COLLEEN O'DONNELL</b>
<b>DIRECTOR, OHIO DEPARTMENT OF JOB AND FAMILY SERVICES, et al.,</b>	:	
<b>Appellee.</b>	:	

**DECISION AND ENTRY**

**O'DONNELL, J.,**

This matter comes before this Court upon an appeal pursuant to R.C. § 4141.282(H) from a May 8, 2013 Decision of the Unemployment Compensation Review Commission (“Review Commission”). Tri Anim Health Services, Inc. (“Employer”) employed Appellant, Ronda Jordan, (“Appellant”) from July 12, 2010 to January 21, 2013. Appellant filed an application for Determination of Benefit Rights for a benefit year beginning January 20, 2013. On February 26, 2013, the Director issued a Redetermination disallowing claimant’s application based upon the finding that she quit her job at Tri Anim Health Services, Inc. without just cause. The Director also held that no further benefits would be paid until Appellant obtained covered employment, works six weeks, earns wages of \$1,380.00 and is otherwise eligible.

On March 14, 2013, Appellant filed an appeal. On March 15, 2013, Appellee, Ohio Department of Job and Family Services, (“ODJFS”) transferred jurisdiction to the Review Commission. On April 2, 2013, Hearing Officer Brie A.F. Lewis held a telephone hearing. Appellant was represented by Attorney Robert Byrom and testified on her own behalf.

In the April 3, 2013 Decision, the hearing officer made the following factual findings:

Claimant (Jordan) was employed as a buyer beginning July 12, 2010. On January 21, 2013, claimant sent an email to the purchasing director, Mark Triguba. He responded to the email indicating that Claimant needed to “figure it out” and accusing her of attempting to get him to do her job. Claimant suffered a panic attack after reading Mr. Triguba’s email. She then reported to human resources and quit her job.

Claimant felt pressure and stress to perform her job. She believed that the employer was planning, in the future, to discharge her. No disciplinary action had been taken against claimant at any point during her employment and she had positive performance reviews.

Claimant suffered some physical ailments, including grinding her teeth and a development of diabetes. She suffered migraines on occasion. She believed these issues were caused largely by the stress of her job. Claimant did not request any accommodation or leave of absence.

See Findings of Fact, April 3, 2013 Decision.

Thereafter, the Review Commission disallowed Appellant’s request for review and issued a decision affirming the findings and determination of the hearing officer. See April 3, 2013 Decision.

### **Standard of Review**

This Court must uphold the decision of the Review Commission unless it concludes, upon a review of the record, that the decision is unlawful, unreasonable or against the manifest weight of the evidence. See R.C. 4141.282(H); see also *Tzangas, Plakas & Mannos v. Ohio Bur. Emp. Serv.*, 73 Ohio St. 3d 694 (1995). While a reviewing court is “not permitted to make factual findings or to determine the credibility of witnesses, [it does] have a duty to determine whether the [review commission’s] decision is supported by the evidence in the record.” *Id.* at 696.

The Unemployment Compensation Act (“Act”) does not exist to protect employees from their own conduct, but rather to protect employees from economic forces over which they have no control. When an employee is at fault, he or she is no longer the victim of fortune’s whims

but instead, is directly responsible for his or her own predicament. Fault on the employee's part separates him or her from the Act's intent and protection. Therefore, the claimant must demonstrate that he or she is entitled to unemployment compensation benefits, including the existence of just cause for quitting work. If the individual quit work without just cause, he or she may not be paid benefits. See R.C. 4141.29(D)(2)(a).

An employee must first notify the employer of problems for the purpose of giving the employer an opportunity to resolve any problems before the employee quits. *DiGiannantoni v. Wedgewater Animal Hops., Inc.*, 109 Ohio App.3d 300 (1996). Before an employee can quit a job with just cause because of a health condition, the employee must notify the employer, seek accommodation, and be denied the requested accommodation.

### **Appellant's Argument**

The *pro se* Appellant did not assert any assignments of error in her brief. Thus, this Court will review the record to determine whether the Review Commission's May 8, 2013 Decision is unlawful, unreasonable or against the manifest weight of the evidence. See R.C. 4141.282(H); see also *Tzangas, Plakas & Manno, supra*.

### **Appellee's Argument**

Appellee asserts that the May 8, 2013 Decision of the Review Commission is lawful, reasonable and not against the manifest weight of the evidence. Appellee urges this Court to affirm the Review Commission's May 8, 2013.

### **Law and Analysis**

In order to receive unemployment compensation benefits, an individual must have quit work with just cause. R.C. 4141.29(D)(2)(a). The Supreme Court of Ohio defined "just cause" to be that which, to an ordinary intelligent person, is a justifiable reason for doing or not doing a

particular act. The determination of whether just cause exists depends upon the unique factual considerations of the particular case.

Upon review, there is evidence in the record to support that the Review Commission's May 8, 2013 Decision is lawful, reasonable and not against the manifest weight of the evidence. See R.C. 4141.282(H); see also *Tzangas, Plakas & Mannos, supra*. The record unequivocally supports that Appellant voluntarily quit her job. Tr. 6. Appellant did not notify her employer that she was physically unable to work in her assigned position any time before January 21, 2013, when she voluntarily quit her employment. Moreover, she failed to inquire whether alternative employment was available to accommodate her medical condition.

Likewise, the record supports that Appellant did not pursue all available options before quitting her employment, nor did she request any accommodations allowing the employer an opportunity to remedy any problems she was experiencing before her resignation. Additionally, Appellant failed to provide her employer with medical documentation regarding her issues, failed to request any accommodation, and did not request a leave of absence, or any other help. Because Appellant did not notify or give the employer an opportunity to accommodate her situation before she quit, this Court concludes as a matter of law that Appellant quit her employment without just cause.

Appellant chose to represent herself in this case. Ohio case law provides a *pro se* litigant is to be held to the same standard as an attorney. With respect to procedural rules, a *pro se* litigant is held to the same standards as a practicing attorney. The *pro se* litigant is to be treated the same as one trained in the law as far as the requirement to follow procedural law and adhere to court rules. If the court treats a *pro se* litigant differently, the court begins to depart from its

duty of impartiality and prejudices the handling of the case as it relates to other litigants represented by counsel. See *Justice v. Lutheran Social Servs.*, 1993 Ohio App. LEXIS 2029.

The fundamental requirements of procedural due process are notice and hearing and ultimately, an opportunity to be heard. Providing that person with notice and a hearing is all that is necessary in order to comply with due process in an administrative proceeding. See *Coleman v. State Medical Board of Ohio* (10<sup>th</sup> Dist. App. 2007), 2007 Ohio 5007, 2007 Ohio App. LEXIS 4916. In the context of an administrative law hearing, the due process afforded to the individual is an opportunity to be heard. The record demonstrates that Appellant was afforded that opportunity.

Upon review of the record, the Court concludes, as a matter of law, that the Review Commission complied with R.C. 41412.281(C)(5). In its May 8, 2013 Decision the Review Commission states, in pertinent part:

The appellant shown above filed a Request for Review to the Review Commission, pursuant to the provisions of Section 4141.281(C)(3), Revised Code of Ohio, from the Hearing Officer's decision.

Upon consideration thereof, and upon a review of the entire record, the Commission concludes that the Request for Review should be disallowed.

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The Request for Review is hereby disallowed.

See May 8, 2013 Decision.

Accordingly, the Review Commission was well within its discretion to disallow further review of Appellant's case. See R.C. 4141.281(C)(5). This Court concludes that the Review Commission's May 8, 2013 Decision is lawful, reasonable, and supported by the manifest weight of the evidence. Accordingly, the Review Commission's May 8, 2013 Decision is hereby **AFFIRMED**.

Rule 58(B) of the Ohio Rules of Civil Procedure provides the following:

**(B) Notice of filing.** When the court signs a judgment, the court shall endorse thereon a direction to the clerk to serve upon all parties not in default for failure to appear notice of the judgment and its date of entry upon the journal. Within three days of entering the judgment on the journal, the clerk shall serve the parties in a manner prescribed by Civ. R. 5(B) and note the service in the appearance docket. Upon serving the notice and notation of the service in the appearance docket, the service is complete. The failure of the clerk to serve notice does not affect the validity of the judgment or the running of the time for appeal except as provided in App. R. 4(A).

**THE COURT FINDS THAT THERE IS NO JUST REASON FOR DELAY. THIS IS A FINAL APPEALABLE ORDER.** Pursuant to Civil Rule 58, the Clerk of Court shall serve notice upon all parties of this judgment and its date of entry.

**IT IS SO ORDERED.**

Copies to all parties registered for e-filing

Franklin County Court of Common Pleas

**Date:** 11-26-2013

**Case Title:** RONDA JORDAN -VS- OHIO STATE DEPT JOB FAMILY  
SERVICES DIRE ET AL

**Case Number:** 13CV006148

**Type:** ENTRY

It Is So Ordered.

A handwritten signature in cursive script, "Colleen O'Donnell", is written over a blue circular official seal. The seal contains the text "FRANKLIN COUNTY OHIO" around the top and "ALL THINGS ARE TRUE" around the bottom. The year "1803" is also visible on the seal.

/s/ Judge Colleen O'Donnell

Court Disposition

Case Number: 13CV006148

Case Style: RONDA JORDAN -VS- OHIO STATE DEPT JOB  
FAMILY SERVICES DIRE ET AL

Final Appealable Order: Yes