

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

FREDERICK L. RHODES,		CASE NO. 13CV-12986
Appellant,		JUDGE SHEERAN
vs.		
OHIO UNEMPLOYMENT COMPENSATION REVIEW COMMISSION, et al.,		
Appellees.		

---

**DECISION AND JUDGMENT ENTRY GRANTING MOTION OF DIRECTOR, OHIO  
DEPARTMENT OF JOB AND FAMILY SERVICES, TO DISMISS  
ADMINISTRATIVE APPEAL FOR LACK OF JURISDICTION**

**NOTICE OF FINAL, APPEALABLE ORDER**

**SHEERAN, J.**

This case is a Revised Code 4141.282 administrative appeal, by Frederick L. Rhodes (Appellant), from a Decision issued by the Ohio Unemployment Compensation Review Commission, in which the Commission dismissed Appellant's appeal from the disallowance of his application for unemployment-compensation benefits. Appellee the Director of the Ohio Department of Job and Family Services (ODJFS) has moved the Court to dismiss this appeal on jurisdictional grounds. For the following reasons, the motion must be granted.

On September 6, 2013, Appellant applied to ODJFS for unemployment-compensation benefits, arising out of Appellant's discharge from his employment with Mercury Instruments, LLC, in Cincinnati, Ohio. In an initial Determination issued on September 27, 2013, ODJFS

disallowed Appellant's application, having determined that Appellant had been discharged for just cause. Appellant appealed the initial Determination.

In a Director's Redetermination issued on October 17, 2013, the Director of ODJFS affirmed the initial Determination. Appellant appealed the Director's Redetermination, and the Director transferred jurisdiction of the appeal to the Commission.

On October 22, 2013, the Commission notified Appellant that his appeal had been scheduled for a telephone hearing, before a Hearing Officer, on November 4, 2013. The Commission provided Appellant with detailed instructions for appearing at the hearing.

On November 4, 2013, Appellant did not appear at the hearing.

On November 4, 2013, the Hearing Officer mailed a Dismissal Notice to Appellant, notifying Appellant that his appeal was being dismissed due to his failure to appear at the hearing. The Hearing Officer notified Appellant that the dismissal would become final if Appellant did not show good cause, in writing, for his failure to appear at the hearing.

On November 5, 2013, Appellant filed a request with the Commission to vacate the dismissal, but he did not explain his failure to appear at the hearing.

On November 5, 2013, the Commission mailed a "Notice Denying Vacate of Dismissal of Appeal" to Appellant, notifying Appellant that the dismissal of his appeal would become final unless he notified the Commission, on or before November 15, 2013, that he requested a hearing on the issue of whether Appellant had furnished good cause for his failure to appear at the hearing.

Appellant did not, on or before November 15, 2013, request a show-cause hearing. The dismissal of his appeal therefore became final.

On December 2, 2013, Appellant appealed the dismissal of his appeal to this Court.

Revised Code 4141.282, which governs this appeal, provides:

§ 4141.282. Appeal to court

APPEAL TO COURT

(A) THIRTY-DAY DEADLINE FOR APPEAL

Any interested party, within thirty days after written notice of the final decision of the unemployment compensation review commission was sent to all interested parties, may appeal the decision of the commission to the court of common pleas.

(B) WHERE TO FILE THE APPEAL

**An appellant shall file the appeal with the court of common pleas of the county where the appellant, if an employee, is a resident or was last employed** or, if an employer, is a resident or has a principal place of business in this state. \*\*\* (Emphasis added.)

On January 10, 2014, the Director of ODJFS moved the Court to dismiss this appeal on the grounds that Appellant did not comply with R.C. 4141.282(B), which required him to file his appeal in the county of his residence or the county where he was last employed. Pursuant to Local R. 21.01, Appellant had until January 24, 2014 to file a memorandum in opposition to the motion to dismiss. Appellant has not filed a memorandum in opposition. Pursuant to Local R. 21.01, the motion to dismiss was deemed submitted to the Court for a decision on its merits on February 7, 2014.

Appellant resides in Lexington, Kentucky. He therefore does not have a county of residence in Ohio. Pursuant to R.C. 4141.282(B), he was required to file his appeal in the county where he was last employed. Mercury Instruments, LLC, is located in Hamilton County, Ohio. Accordingly, Appellant was required to file his appeal in Hamilton County. Instead, he incorrectly filed his appeal in Franklin County.

Where a statute confers the right of appeal, an appeal may be perfected only in the manner prescribed by statute. *Hills & Dales v. Ohio Dept. of Edn.*, 10th Dist. No. 06AP-1249,

2007-Ohio-5156, ¶ 19, discretionary appeal not allowed, 117 Ohio St. 3d 1424, 2008-Ohio-969.

A party must strictly adhere to the filing requirements in order to perfect an appeal and invoke the jurisdiction of the court of common pleas. *CHS-Windsor, Inc. v. Ohio Dept. of Job and Family Servs.*, 10th Dist. No. 05AP-909, 2006-Ohio-2446, ¶ 6. By failing to strictly adhere to the filing requirements of R.C. 4141.282(B), Appellant has failed to invoke the jurisdiction of this Court. As a pro se party, Appellant is held to the same rules, procedures, and standards as those litigants represented by counsel and therefore must accept the results of his own mistakes and errors. *Discover Bank v. Doran*, 10th Dist. No. 10AP-496, 2011-Ohio-205, ¶ 6.

Accordingly, the unopposed “Motion to Dismiss by Director of the Ohio Department of Job and Family Services” filed on January 10, 2014 is hereby **GRANTED**. This case is **DISMISSED** for lack of subject-matter jurisdiction.

This is a final, appealable Order. Costs to Appellant. Pursuant to Civ. R. 58, the Franklin County Clerk of Courts shall serve notice of this judgment and its date of entry upon all parties.

Copies to:

FREDERICK L. RHODES, Appellant *Pro Se*, 3645 Sundart Dr., Lexington, KY 40517

ALAN SCHWEPE, AAG (0012676), Counsel for Appellee Director, Ohio Department of Job and Family Services, 30 E. Broad St., Fl. 26, Columbus, OH 43215-3400

Franklin County Court of Common Pleas

**Date:** 02-11-2014  
**Case Title:** FREDERICK L RHODES -VS- MERCURY INSTRUMENTS LLC  
ET AL  
**Case Number:** 13CV012986  
**Type:** DECISION/ENTRY

It Is So Ordered.

The image shows a handwritten signature in black ink that reads "Patrick E. Sheeran". The signature is written over a blue circular official seal. The seal contains the text "FRANKLIN COUNTY OHIO" around the top and "COMMON PLEAS COURT" around the bottom. In the center of the seal, there is a smaller emblem with the text "FRANKLIN COUNTY OHIO" and "1803" below it. At the very bottom of the seal, the phrase "THINGS ARE" is visible.

/s/ Judge Patrick E. Sheeran

Court Disposition

Case Number: 13CV012986

Case Style: FREDERICK L RHODES -VS- MERCURY  
INSTRUMENTS LLC ET AL

Case Terminated: 18 - Other Terminations

Final Appealable Order: Yes

Motion Tie Off Information:

1. Motion CMS Document Id: 13CV0129862014-01-1099980000

Document Title: 01-10-2014-MOTION TO DISMISS

Disposition: MOTION GRANTED