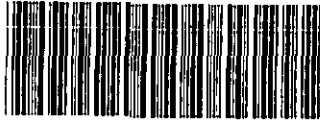


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COURT OF COMMON PLEAS  
*Beth A. Myers*  
ENTER  
HON. BETH A. MYERS  
THE CLERK SHALL SERVE NOTICE TO PARTIES PURSUANT TO CIVIL RULE 58 WHICH SHALL BE TAXED AS COSTS HEREIN.

IN THE COURT OF COMMON PLEAS  
HAMILTON COUNTY, OHIO

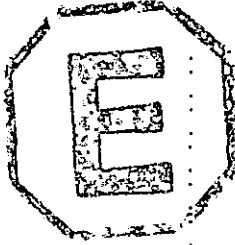
CLAUDINE L. DEAN,

Appellant,

vs.

STATE OF OHIO UCRC, et al.,

Appellees.



Case No. A 1400033

Judge Beth A. Myers  
Magistrate Michael L. Bachman

ENTERED  
MAR 20 2014

ENTRY ADOPTING THE  
MAGISTRATE'S DECISION

Pursuant to Civil Rule 53(E)(4), the Court hereby adopts the Decision of the Magistrate entered in the above-captioned case on February 25, 2014. The objection period has expired and no objections to the decision were filed nor were there any extensions granted. WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the Magistrate's Decision is hereby affirmed.

Costs to the Appellant. This is the final appealable order. There is no just reason for delay.

MAGISTRATE

MAR 17 2014

HAS SEEN

*Beth A. Myers*  
JUDGE BETH A. MYERS

ENTER

MAR 19 2014

HON BETH A. MYERS



R.C. 4141.282(A) states "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."<sup>1</sup>

R.C. 4141.282(D) states "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.*"<sup>2</sup> (emphasis added).

In Appellant's Notice of Appeal, Appellant failed to name the Director of the Ohio Department of Job and Family Services as a party to this action. Further, the law does not permit the Appellant now to amend the notice of appeal since the deadline to file the same has passed.<sup>3</sup>

A recent 1st District Court of Appeals decision held:

"Because R.C. 4141.282(D) expressly provides that the director of the Ohio Department of Job and Family Services is always an interested party and must be named in the notice of appeal, any amendments to the notice of appeal lacking such language **must be made** within the 30-day time frame following the mailing of the final determination of the Unemployment Compensation Review Commission." (emphasis added).<sup>4</sup>

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<sup>1</sup> R.C. 4141.282(A)

<sup>2</sup> R.C. 4141.282(D)

<sup>3</sup> *Dikong v. Ohio Supports, Inc.*, 2013-Ohio-33, 982 N.E.2d 949 (1<sup>st</sup> Dist.).

<sup>4</sup> *Id.* at ¶ 26.

Failure to comply with this provision must result in dismissal because the trial court does not acquire jurisdiction over the appeal.<sup>5</sup> Because this Appellant failed to comply with this provision, this Court does not have jurisdiction.

**DECISION**

The Appeal is DISMISSED. The Appellant's Notice of Appeal fails to name the Director of the Ohio Department of Job and Family Services. This Court lacks subject matter jurisdiction in this appeal.



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**MICHAEL L. BACHMAN  
MAGISTRATE,  
COURT OF COMMON PLEAS**

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<sup>5</sup> *Id.* at ¶ 27.

**NOTICE**

Objections to the Magistrate's Decision must be filed within fourteen days of the filing date of the Magistrate's Decision. A party shall not assign as error on appeal the court's adoption of any factual finding of fact or legal conclusion, whether or not specifically designated as a finding of fact or conclusion of law under Civ. R. 53(D)(3)(a)(ii), unless the party timely and specifically objects to that factual finding or legal conclusion as required by Civ. R. 53(D)(3)(b).

Copies sent by Clerk of Courts to:

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Cincinnati, OH 45225

Robin A. Jarvis, Esq.  
441 Vine Street  
1600 Carew Tower  
Cincinnati, OH 45202

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY THAT COPIES OF THE FOREGOING DECISION HAVE BEEN SENT BY ORDINARY MAIL TO ALL PARTIES OR THEIR ATTORNEYS AS PROVIDED ABOVE.

Date: 2/27

Deputy Clerk: 