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

JEROME HOUSTON  
Plaintiff

DIRECTOR, OHIO DEPT OF JOB & FAMILY  
SERVICES, ETAL  
Defendant

Case No: CV-13-813087

Judge: DICK AMBROSE

**JOURNAL ENTRY**

96 DISP.OTHER - FINAL

THIS CASE INVOLVES A CLAIM FOR UNEMPLOYMENT BENEFITS THAT WAS DISALLOWED BY THE OHIO UNEMPLOYMENT COMPENSATION REVIEW COMMISSION (UCRC) IN FAVOR OF THE FEDERAL METAL CO., INC., (FEDERAL) AND AGAINST APPELLANT JEROME HOUSTON. CLAIMANTS WHO ARE TERMINATED FROM THEIR EMPLOYMENT WITHOUT "JUST CAUSE" ARE ELIGIBLE FOR UNEMPLOYMENT BENEFITS. TZANGAS, PLAKAS & MANNOS V. OHIO BUR. OF EMP. SERV., 73 OHIO ST.3D 694, 653 (1995); R.C. 4141.29(D)(2)(A). PURSUANT TO R.C. 4141.282(H), THIS COURT HAS JURISDICTION TO HEAR APPEALS FROM THE UCRC. "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." ID. ADDITIONALLY, "A REVIEWING COURT MAY NOT MAKE FACTUAL FINDINGS OR DETERMINE A WITNESS'S CREDIBILITY AND MUST AFFIRM THE COMMISSION'S FINDING IF SOME COMPETENT, CREDIBLE EVIDENCE IN THE RECORD SUPPORTS IT." WILLIAMS V. OHIO DEPT OF JOBS & FAMILY SERV., 129 OHIO ST.3D 332, 2011-OHIO-2897, ¶20.

APPELLANT WAS EMPLOYED AT FEDERAL AS A LABORER FROM MAY 2010 TO APRIL 2013. APPELLANT RECEIVED SEVERAL WRITTEN WARNINGS FROM FEDERAL DURING HIS EMPLOYMENT FOR FAILURE TO FOLLOW THE COMPANY'S POLICIES AND PROCEDURES. ON 02/04/13, APPELLANT AND FEDERAL ENTERED INTO A "LAST CHANCE AGREEMENT," WHICH STATED IN PART THAT "THIS AGREEMENT CONSTITUTES AS A FINAL WARNING AND ANY OTHER VIOLATION COMMITTED WILL RESULT IN TERMINATION OF [APPELLANT'S] EMPLOYMENT." ON 04/09/13, APPELLANT ALLEGEDLY VIOLATED COMPANY POLICY AGAIN AND WAS IMMEDIATELY TERMINATED. FEDERAL ALLEGES THAT APPELLANT ERRONEOUSLY "SKIMMED" NEARLY 4,000 POUNDS OF GOOD METAL AS WASTE. APPELLANT FAILED TO NOTIFY THE EMPLOYER AND HID THE "SKIM POT" IN QUESTION IN ANOTHER ROOM. AS SUPPORT FOR ITS DECISION TO TERMINATE APPELLANT'S EMPLOYMENT, FEDERAL OFFERED TWO WITNESS STATEMENTS, A PHOTOGRAPH, AND A REPORT LOG. APPELLANT DENIES THAT HE VIOLATED COMPANY POLICIES AND/OR PROCEDURES, AND ARGUES THAT FEDERAL WAS RETALIATING AGAINST HIM FOR "TRYING TO START UP A UNION."

UPON REVIEW, THE COURT FINDS THAT THE HEARING OFFICER'S CONCLUSION THAT APPELLANT WAS DISCHARGED FROM FEDERAL FOR JUST CAUSE IS SUPPORTED BY COMPETENT EVIDENCE IN THE RECORD. THE HEARING OFFICER REASONED THAT APPELLANT "FAILED TO OFFER ANY REASONABLE EXPLANATION FOR HIS MISTAKE OR HIS FAILURE TO NOTIFY MANAGEMENT OF THE SITUATION." ACCORDINGLY, THE DECISION IS AFFIRMED.

COURT COST ASSESSED TO THE PLAINTIFF(S).

Judge Signature

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