



84296944

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

FILED

2014 MAY 19 11:05

KERT W. DOUGLAS
Plaintiff

Case No: CV-12-789045

DIRECTOR OF ODJFS ETAL
Defendant

Judge: JOSE A VILLANUEVA
WINDOW 8
CLERK OF COURTS
CUYAHOGA COUNTY

JOURNAL ENTRY

96 DISP.OTHER - FINAL

THIS MATTER COMES BEFORE THE COURT ON AN ADMINISTRATIVE APPEAL FILED BY KERT W. DOUGLAS (APPELLANT) FROM THE DECISION OF THE DIRECTOR, OHIO DEPARTMENT OF JOB AND FAMILY SERVICES, BUREAU OF UC BENEFITS (APPELLEE) DISMISSING HIS APPEAL OF DENIAL OF UNEMPLOYMENT COMPENSATION BENEFITS. APPELLANT'S APPEAL WAS DISMISSED BECAUSE OF HIS FAILURE TO PARTICIPATE IN A SCHEDULED TELEPHONIC HEARING.

UPON LEARNING THAT HIS APPEAL HAS BEEN DENIED ON THIS BASIS APPELLANT FILED A TIMELY APPEAL AND REQUESTED A HEARING. HIS SUBSEQUENT APPEAL WAS ONCE AGAIN SCHEDULED FOR A TELEPHONIC HEARING. APPELLANT SUCCESSFULLY PARTICIPATED IN THE HEARING. HOWEVER, THE SCOPE OF THE HEARING WAS LIMITED TO CONSIDERING WHETHER THE FAILURE TO PARTICIPATE IN THE INITIAL HEARING WAS SUPPORTED BY GOOD CAUSE.

APPELLANT EXPLAINED DURING THE HEARING THAT HIS WIFE HAD A TELEPHONIC HEARING ON AN APPEAL SHE HAD FILED CONCERNING HER SCHOOLING AND THE WIFE'S HEARING HAD COINCIDENTALLY BEEN SCHEDULED FOR THE PRIOR DAY. WITH RESPECT TO THE WIFE'S TELEPHONIC HEARING, THE PARTY CONDUCTING THE HEARING WAS RESPONSIBLE FOR PLACING A CALL TO HIS WIFE TO INITIATE THE HEARING PROCESS. DUE TO THIS FACT, APPELLANT SAID HE BECAME CONFUSED AND FAILED TO CALL IN FOR HIS HEARING. HE ACKNOWLEDGED HAVING RECEIVED NOTICE THAT HE WAS RESPONSIBLE FOR INITIATING THE CALL FOR HIS HEARING.

THE HEARING OFFICER FOUND THAT APPELLANT HAD NOT ESTABLISHED GOOD CAUSE FOR HIS FAILURE TO PARTICIPATE IN THE FIRST SCHEDULED HEARING AND DENIED HIS APPEAL. ON THESE FACTS, THE COURT FINDS THAT THE DECISION OF THE REVIEW IS SUPPORTED BY COMPETENT, CREDIBLE EVIDENCE. THE COURT DOES NOT FIND THAT THE DECISION OF THE ADMINISTRATIVE AGENCY WAS UNLAWFUL, UNREASONABLE, OR AGAINST THE MANIFEST WEIGHT OF THE EVIDENCE. R.C. 4141.282(H).

APPELLANT'S APPEAL IS DENIED.

FINAL.

NO JUST CAUSE FOR DELAY.

THE CLERK OF COURTS IS ORDERED TO SEND A TIME STAMPED COPY OF THIS JOURNAL ENTRY TO: KERT W. DOUGLAS, 1474 WEST 116TH STREET, CLEVELAND, OH 44102.

COURT COST ASSESSED AS EACH THEIR OWN.

RECEIVED FOR FILING

MAY 19 2014

CUYAHOGA COUNTY
CLERK OF COURTS
By Deputy

Judge Signature Date
5/17/2014

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05/17/2014