

SANDUSKY COUNTY
COMMON PLEAS COURT
FILED

2014 JUN 13 PM 3:23

TRACY M. OVERMYER
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IN THE COMMON PLEAS COURT OF SANDUSKY COUNTY, OHIO
CIVIL DIVISION

Village of Gibsonburg

Appellant

v.

David K. Johnson, et al

Defendants

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Case No. 14 CV 89

JUDGMENT ENTRY

June 13, 2014

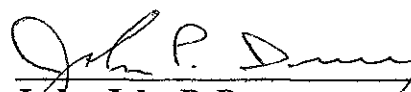
This administrative appeal from an Ohio Unemployment Compensation Review Commission decision dated 1/15/14 addresses the dismissal of Appellants appeal as untimely. Counsel for the parties have submitted their legal arguments by written briefs, to wit, on 5/15/14 by Appellant, and on 6/2/14 by Appellee.

The issue for determination is jurisdictional for the Appellee. For the Appellant, he would like this Court to address the merits. The law, however, is quite clear that before this Court can address the merits, it must have jurisdiction to do so. And, the Appellee has made clear that jurisdiction does not lie to due Appellant's failure to timely file its initial appeal. Relying upon the arguments advanced by Appellant in its brief, this Court must find against Appellant due to its failure to timely appeal the initial determination, which with the extension permitted under 4141.281(D)(9) would have been August 23, 2013. Appellant did not file its appeal until October 11, 2013.

Thus, while the merits of the issue arguably militate against the Appellee, this Court by precedent is unable to address them.

The appeal of the Village of Gibsonburg is denied and dismissed.

IT IS SO ORDERED



Judge John P. Dewey

cc: Counsel of record