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

THOMAS H. SINCLAIR
Plaintiff

Case No: CV-14-820085

Judge: MICHAEL P DONNELLY

OHIO DEPARTMENT OF JOB AND FAMILY
SERVICES,, ET AL
Defendant

JOURNAL ENTRY

96 DISP.OTHER - FINAL

HEARING HELD ON 06/25/2014. THE COURT FINDS APPELLANT WAS TERMINATED FROM HIS LONG-TERM EMPLOYMENT WITH CMHA WITHOUT JUST CAUSE. THE FACTS, UNDISPUTED IN THE RECORD, DEMONSTRATE THAT APPELLANT/EMPLOYEE ACTUALLY COMPLIED WITH THE EXTREMELY VAGUE ABSENCE POLICY OF CMHA OR OTHERWISE TOOK ALL REASONABLE STEPS TO COMPLY THEREWITH WHERE COMPLIANCE WOULD HAVE BEEN IMPOSSIBLE DUE TO HIS BEING IN JAIL. CMHA, APPELLANT'S EMPLOYER, WAS AWARE OF APPELLANT'S WHEREABOUTS AND THAT HE DID NOT ABANDON HIS EMPLOYMENT. THE COURT FINDS THAT THE STATED REASON FOR TERMINATION WAS A PRETEXT FOR THE ACTUAL REASON WITH THE EMPLOYER HAVING FULL KNOWLEDGE OF THE CRIMINAL ACCUSATION PENDING AT THE TIME OF TERMINATION. APPELLANT IS THEREFORE ENTITLED TO UNEMPLOYMENT COMPENSATION BENEFITS AS THE DETERMINATION OF THE REVIEW BOARD WAS AGAINST THE MANIFEST WEIGHT OF THE EVIDENCE, UNLAWFUL, AND UNREASONABLE AND MUST BE REVERSED.

THIS IS A FINAL APPEALABLE ORDER.
COURT COST ASSESSED TO THE DEFENDANT(S).

Judge Signature

06/30/2014

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ANDREA F. ROCCO, CLERK