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COMMON PLEAS COURT

IN THE COMMON PLEAS COURT OF GREENE COUNTY, OHIO
GENERAL DIVISION (CIVIL)

BRIAN D. COMBS,

CASE NO. 2013CV0882

Appellant,

Judge Stephen A. Wolaver

-vs-

PPG ARCHITECTURAL, et al.,

JUDGMENT ENTRY
**FINAL APPEALABLE
ORDER**

Appellees.

This matter comes before the Court on Appellant's Appeal of a decision by the Ohio Unemployment Compensation Review Commission to disallow unemployment compensation benefits to Appellant, Brian Combs. The Ohio Department of Jobs and Family Services, through the Ohio Attorney General, has filed a Brief in opposition to the Appeal.

Brian Combs was initially determined to be eligible for unemployment compensation benefits by the Ohio Department of Job and family Services. PPG Architectural appealed the decision to the Unemployment Compensation Review Commission claiming that Mr. Combs was terminated from his employment for just cause because of his continued tardiness and absence from work.

A telephone hearing was scheduled by a hearing officer for the Ohio Unemployment Compensation Review Commission in order to develop a record related to PPG Architecturals' appeal. The telephone hearing was scheduled for October 31, 2013. Proper notice was given to all parties with regard to the hearing date. *R.C. 4141.281(D) provides that if a non-appealing party fails to appear for the hearing, the hearing shall go forward and a decision will be issued.* Also, if a party failed to appear for the hearing the party has (14) days after the hearing to provide a written statement showing good cause for the non-appearance. Another hearing will be granted if good cause for the non-appearance is shown. *Id.*

The Court, in reviewing the Appeal in this case, looks to the certified record provided by the commission and *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*

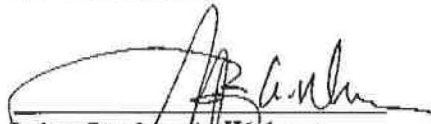
decision of the commission. See R.C. 4141.282(H); see also Tzangas, Plakas & Mannos v. Ohio Bur. Of Emp. Serv. (1995), 73 Ohio St.3d 694.

In this case, Appellant failed to appear for the hearing after proper notice. Also, he did not file a written statement with the Ohio Unemployment Compensation Review Commission as to why he failed to appear for the scheduled hearing. Inasmuch as Appellant failed to appear for the hearing and did not provide a written statement as to why he was not available for the hearing, the only evidence provided to the Ohio Unemployment Compensation Review Commission hearing officer was submitted by the employer.

The Ohio Unemployment Compensation Review Commission hearing officer heard testimony from the witnesses for the employer and evidence to support the employer's appeal. Based upon the evidence submitted, the hearing officer found that Brian Combs was discharged for just cause making him ineligible to receive unemployment benefits.

This Court has reviewed the record. The Court finds that the decision of the Ohio Unemployment Compensation Review Commission hearing officer was based upon substantial, reliable, and probative evidence. Therefore, the decision of the Ohio Unemployment Compensation Review Commission hearing officer is AFFIRMED.

SO ORDERED:


Judge Stephen A. Wolaver
7/10/14

SERVICE OF COPY: A copy hereof was served upon:
Robin A. Jarvis, Esq., Assistant Attorney General, 1600 Carew Tower, 441 Vine Street,
Cincinnati, OH 45202
Brian Combs, 5487 Haddix Rd., Fairborn, OH 45324.

by mailing and/or fax same on the date of filing herein.


Assignment Commissioner