

JUL 15 2014

LINDA K. FANKHAUSER, CLERK  
PORTAGE COUNTY, OHIO

IN THE COURT OF COMMON PLEAS  
PORTAGE COUNTY, OHIO

KEVIN KOOGLE,	)	CASE NO. 2014 CV 266
	)	
Appellant,	)	JUDGE LAURIE J. PITTMAN
	)	
vs.	)	
	)	<b>JUDGMENT ENTRY</b>
DAVID SOMMERS &	)	
ASSOCIATES, LLC, ET AL	)	
	)	
Appellees.	)	

This cause came on to be heard upon an appeal from the final decision of the Ohio Unemployment Compensation Review Commission. This Court finds that Appellant in this matter, Kevin Koogle, did not receive Notice of the Unemployment Compensation Review Commission hearing because it was not sent to his most recent address. Indication by Appellant in a check-off box that he wished to receive information via email was not sufficient to demonstrate a knowing waiver of his right to due process, including actual receipt of hearing notices. In this case, Notice of Hearing went to Appellant's spam email and Appellant did not receive the Notice until after the hearing had been held.

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that this matter is hereby REMANDED to the Review Commission in order to conduct a *de novo* hearing concerning the merits of the unemployment compensation claim of Appellant, Kevin Koogle.

Costs of this matter shall be charged to the Appellee, Director, Ohio Department of Job and Family Services.

**BY THE COURT:**

  
**HONORABLE LAURIE J. PITTMAN**