

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO  
CIVIL DIVISION

**JILL HEFFNER-PEREZ,**

CASE NO.: 2014 CV 03677

Plaintiff(s),

JUDGE TIMOTHY N. O'CONNELL

-vs-

**RAND ASSOCIATES et al.,**

**DECISION, ORDER AND ENTRY  
GRANTING DIRECTOR, OHIO  
DEPARTMENT OF JOB & FAMILY  
SERVICES' MOTION TO DISMISS**

Defendant(s).

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This matter is before the Court on Appellee/Defendant, Director, Ohio Department of Job & Family Services' ("ODJFS") *Motion to Dismiss* that was filed on August 6, 2014. Appellant Jill Heffner-Perez ("Perez") failed to file any memoranda in opposition.

**I. LAW AND ANALYSIS**

ODJFS argues that Perez failed to name ODJFS as in interested party as required by O.R.C. 4141.282(D). ODJFS contends that naming ODJFS is a condition precedent to jurisdiction of this Court, and thus the Court lacks jurisdiction over this matter.

Perez has failed to file any arguments in opposition.

Perez seeks an administrative appeal pursuant to O.R.C. 4141.282 from the decision of the State of Ohio Unemployment Compensation Review Commission (the "Commission").

O.R.C. 4141.282(D) states: "INTERESTED PARTIES The commission shall provide on its final decision the names and addresses of all interested parties. The appellant shall name all

interested parties as appellees in the notice of appeal. The director of job and family services is always an interested party and shall be named as an appellee in the notice of appeal.”

“Where a right of appeal is conferred by a statute, the appeal can be perfected only in the mode prescribed by that statute, and that the exercise of the right conferred is conditional upon compliance with the accompanying mandatory requirements. R.C. 4141.282 sets forth the procedures by which a party whose claim for unemployment-compensation benefits is denied may appeal to the court of common pleas from a decision of the Ohio Unemployment Compensation Review Commission.”<sup>1</sup>

“The failure to name all interested parties in the notice of appeal, including the director of the Ohio Department of Job and Family Services, as required by R.C. 4141.282(D), deprives a common pleas court of subject-matter jurisdiction over an unemployment-compensation appeal.”<sup>2</sup>

The *Notice of Administrative Appeal* filed by Perez on June 23, 2014 only lists Dan Bir/Rand Associates as a Defendant. ODJFS was not listed as an interested party. Based on this, the Court lacks subject matter jurisdiction over the matter.<sup>3</sup> ODJFS’ *Motion to Dismiss* is GRANTED.

## II. CONCLUSION

After duly considering the above matter, ODJFS’ *Motion to Dismiss* is hereby GRANTED.

**This is a final appealable order, and there is not just cause for delay for the purposes of Civ. R. 54. Pursuant to App. R. 4, the parties shall file a Notice of Appeal within thirty (30) days.**

SO ORDERED:

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TIMOTHY N. O’CONNELL, JUDGE

**To the Clerk of Courts:  
Please serve the attorney for each party and each party not represented by counsel with Notice of Judgment and its**

<sup>1</sup> *Dikong v. Ohio Supports, Inc.*, Hamilton App. No. C-120057, 2013 Ohio 33 (Jan. 11, 2013).

<sup>2</sup> *Mattice v. Ohio Dep’t of Job & Family Servs.* Montgomery App. No. CA 25718, 2013 Ohio 3941 (Sept. 13, 2013).

<sup>3</sup> *Dikong*, supra.

**date of entry upon the journal.**

SO ORDERED:

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JUDGE TIMOTHY N. O'CONNELL

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General Division  
Montgomery County Common Pleas Court  
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**Type:** Decision Sustaining Motion  
**Case Number:** 2014 CV 03677  
**Case Title:** JILL HEFFNER-PEREZ vs RAND ASSOCIATES

So Ordered

*Timothy N. O'Connell*