

IN

02:21 pm, Sep 16, 2014

ANNETTE SHAW

CLERK OF COURTS

ASHLAND COUNTY, OHIO

**IN THE COURT OF COMMON PLEAS, ASHLAND COUNTY, OHIO
GENERAL DIVISION**

DWIGHT E. TILTON,

Plaintiff,

CASE NO. 13-CIV-140

vs.

**OHIO DEPARTMENT OF JOBS &
FAMILY SERVICES, ET AL,**

Defendants.

JUDGMENT ENTRY

This matter came before the Court for consideration of the Appellant/Plaintiff Dwight Tilton's appeal from the decision of the Unemployment Compensation Review Commission (UCRC) denying his claim for unemployment benefits. Tilton's claim was denied by the UCRC on the basis that Tilton was discharged from his employment by Ohio CVS Stores, LLC (CVS) for just cause under R.C. 4141.29(D)(2)(a). As further explained below, the Court finds and determines that Tilton's discharge by CVS was *not* unlawful, unreasonable or against the manifest weight of the evidence.

The UCRC issued its findings and decision on March 19, 2013. The UCRC found that Tilton was discharged from his employment by CVS for just cause under R.C. 4141.29(D)(2)(a) since he walked off the job on October 31, 2012 without permission in the middle of a work shift, and in violation of CVS company policy. The UCRC did *not* make any finding that Tilton had "quit" his job. Tilton was clearly discharged, and the basis for the discharge was his leaving the job site without permission in the middle of

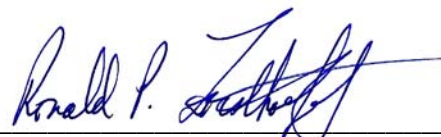
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his work shift. The Court's role in an appeal of this type is specified in R.C. 4141.282(H). The Court is not a fact finder, but rather must render a decision based upon the facts as determined by the UCRC. Applying the law to the facts as determined by the UCRC, the Court must then determine whether the decision of the UCRC was unlawful, unreasonable, or against the manifest weight of the evidence. If the Court cannot make such a determination, it must affirm the decision of the UCRC.

In the present case, the facts as determined by the UCRC clearly state that Tilton abandoned his employment during a work shift without the permission of his employer, and that in so doing violated company policy. As a consequence of his violation of company policy, Tilton's employment with CVS was terminated. As determined by the UCRC, Tilton's termination for a violation of company policy was a termination for just cause under R.C. 4141.29(D)(2)(a). The Court finds that the decision of the UCRC was lawful, reasonable and not against the manifest weight of the evidence.

Pursuant to the foregoing, the Court **AFFIRMS** the decision of the Unemployment Compensation Review Commission that Tilton was discharged by CVS for just cause under R.C. 4141.29(D)(2)(a), and that the decision of the UCRC was **not** unlawful, unreasonable or against the manifest weight of the evidence. Costs assessed to Tilton.

It is so ordered.



Ronald P. Forsthoefel, Judge

Cc: Attorney Thomas Locke Mason
Attorney Vincent Patrick Macqueeney

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