

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

BILL BAIL,	:	
	:	CASE NO. 2014-CVC-D-000360
Appellant,	:	
	:	JUDGE MARK K. WIEST
vs.	:	
	:	
DIRECTOR, OHIO DEPARTMENT OF JOB AND FAMILY SERVICES	:	<u>FINAL JUDGMENT ENTRY OF REMAND</u>
	:	
and	:	
	:	
AT&T SERVICES, INC.,	:	
	:	
Appellees.	:	

This case came on for consideration as a statutory unemployment appeal that was filed by Appellant Bill Bail (Bail) under R.C. 4141.282. Bail appeals from the final *Decision* of the Ohio Unemployment Compensation Review Commission (UCRC) that held that the unemployment benefits payable to Bail in his allowed claim after his separation from Appellee AT&T Services, Inc. (AT&T), must be reduced on the basis of *separation pay* pursuant to R.C. 4141.31(A)(4).

According to the evidence in the certified record of the UCRC, Bail was employed by AT&T from November 7, 1988 until February 1, 2014.

On March 9, 2014, Bail filed a claim for unemployment benefits with Appellee, Director, Ohio Department of Job and Family Services (ODJFS). On March 26, 2014, ODJFS issued a *Determination of Benefits* that allowed the claim on the basis that Bail was laid off for lack of work under R.C. 4141.29 but reduced the benefits payable to Bail on the basis of separation pay from AT&T (\$58,800.00) under R.C. 4141.31(A)(4). On April 7, 2014, Bail filed an appeal of the *ODJFS Determination of Benefits* dated March 26, 2014.

On April 21, 2014, ODJFS issued a *Redetermination of Benefits* that affirmed the *ODJFS Determination of Benefits* dated March 26, 2014. On April 21, 2014, Bail filed an appeal of the *ODJFS Redetermination of Benefits* dated April 21, 2014. On April 22, 2014, ODJFS transferred jurisdiction of the Bail claim on appeal to the UCRC pursuant to R.C. 4141.281.


On May 8, 2014, an evidentiary hearing was held by a hearing officer of the UCRC in the Bail claim under R.C. 4141.281. According to the evidence in the certified record of the UCRC, Bail appeared and testified at the hearing that was held by the UCRC on May 8, 2014 and AT&T failed to appear at the hearing held by the UCRC on May 8, 2014.

On May 16, 2014, a *Decision* was issued by the hearing officer of the UCRC that affirmed the *ODJFS Redetermination of Benefits* dated April 21, 2014 and allowed the claim on the basis that Bail was laid off for lack of work under R.C. 4141.29 but reduced the benefits payable to Bail on the basis of his separation pay from AT&T (\$58,800.00) under R.C. 4141.31(A)(4).

On May 27, 2014, Bail filed a *Request for Review* of the *Decision* of the hearing officer of the UCRC dated May 16, 2014 under R.C. 4141.281. In the *Request for Review* that was filed by Bail on May 27, 2014, Bail cited to (and attached) a **letter from Equifax** (on behalf of AT&T) dated **May 23, 2014** that affirms that the separation pay was ***allocated by AT&T to the last day worked*** of Bail (See *Request for Review* filed on May 27, 2014).

On June 25, 2014, a final *Decision* was issued by the UCRC that disallowed the *Request for Review* filed by Bail on May 27, 2014 under R.C. 4141.281(C)(5). On July 25, 2014, Bail filed a *Notice of Appeal* in the Wayne County Court of Common Pleas under R.C. 4141.282.

Accordingly, after due consideration of the evidence in the certified record of the UCRC, the Court hereby ORDERS that this case be REMANDED to the UCRC pursuant to R.C. 4141.282(H) for a *de novo* evidentiary hearing to be held by the UCRC in the claim under R.C. 4141.281 on the issue of whether the unemployment benefits payable to Bail in his allowed claim should be reduced on the basis of his separation pay under R.C. 4141.31(A)(4) (See letter from Equifax (on behalf of AT&T) dated May 23, 2014 that affirms that the separation pay was *allocated by AT&T to the last day worked* of Bail (See *Request for Review* filed on May 27, 2014).


03/18/2015

JUDGE MARK K. WIEST

NOTICE TO THE CLERK OF COURTS

Pursuant to Civ. R. 58(B), the Clerk of Courts shall serve notice of this *Final Judgment Entry* and its date of entry on the Journal upon all parties and/or counsel of record.

APPROVED BY:

Jared C. Roberts (0081791)
132 East Liberty Street
Wooster, Ohio 44691
Attorney for Appellant Bill Bail

Patrick MacQueeney (0042750)
Assistant Attorney General
Ohio Attorney General's Office
615 W. Superior Avenue, 11th Floor
Cleveland, OH 44113-1899
Attorney for Appellee ODJFS