

**THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO  
CIVIL DIVISION**

William E. Gibson, :  
Appellant, :  
v. : Case No. 15CV 4691  
Ohio State Unemployment :  
Compensation Review Commission, :  
et al., : JUDGE LYNCH  
Appellees. :

**DECISION AND ENTRY GRANTING MOTION TO DISMISS  
FOR LACK OF SUBJECT MATTER JURISDICTION  
Filed July 24, 2015**

**LYNCH, J.**

This matter is before the Court upon the motion of ODJFS, Director, Ohio Department of Job & Family Services (“ODJFS”) for an order dismissing the claims of Appellant William E. Gibson (“Appellant”), filed July 24, 2015. The motion is unopposed.

In its motion, ODJFS argues Appellant’s unemployment compensation tax appeal must be dismissed for lack of subject matter jurisdiction for failure to comply with the requirements of R.C. 4141.26(D)(2) to timely perfect his appeal and failure to provide a proff of filing with the Unemployment Compensation Review Commission. Further, ODJFS argues that because the appeal was drafted and signed by neither the Appellant himself nor a licensed attorney appearing on his behalf, the pleading must be stricken in any event.

Upon review, the Court finds the motion to dismiss of ODJFS well taken on both bases. The appeal was filed late. See R.C. 4141.26(D)(2). Moreover, even if it had not

been filed late, the appeal and proceeding must be stricken and dismissed because the person who prepared and signed it is not an attorney licensed to practice law in the State of Ohio. See *Bank of New York v. Miller*, 185 Ohio App.3d 163 (2009). Accordingly, the Court **GRANTS** the motion and the appeal of Appellant William E. Gibson is hereby **DISMISSED** in its entirety, with prejudice.

**IT IS SO ORDERED.**

Copy via U.S. mail to:

William E. Gibson, dba Gibson Trucking  
9139 Lindbergh Blvd.  
Omsted Falls, OH 44138-2405  
Appellant

Electronic copy to:

Patria V. Hoskins, Esq.  
Assistant Attorney General  
Counsel for Director, Ohio Department of Job and Family Services

Franklin County Court of Common Pleas

**Date:** 08-28-2015  
**Case Title:** WILLIAM E GIBSON -VS- OHIO STATE UNEMPLOYMENT  
COMPENSATION REVIEW  
**Case Number:** 15CV004691  
**Type:** DECISION/ENTRY

It Is So Ordered.

  
The image shows a handwritten signature in black ink that reads "Julie M. Lynch". The signature is written in a cursive style. To the right of the signature is a circular blue ink stamp. The stamp contains the text "COMMON PLEAS COURT" at the top, "FRANKLIN COUNTY, OHIO" around the middle, and "ALL THINGS ARE" at the bottom. There is also a small emblem in the center of the stamp.

/s/ Judge Julie M. Lynch

Court Disposition

Case Number: 15CV004691

Case Style: WILLIAM E GIBSON -VS- OHIO STATE  
UNEMPLOYMENT COMPENSATION REVIEW

Case Terminated: 08 - Dismissal with/without prejudice

Final Appealable Order: No

Motion Tie Off Information:

1. Motion CMS Document Id: 15CV0046912015-07-2499980000  
Document Title: 07-24-2015-MOTION TO DISMISS -  
DEFENDANT: OHIO STATE UNEMPLOYMENT COMPENSATION  
REV  
Disposition: MOTION GRANTED