

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

LOGAN COUNTY
COMMON PLEAS COURT
FILED
2015 SEP 14 AM 11:07
BARB McDONALD
CLERK

LARRY E CRAPNELL,

Appellant.

vs.

Case No. CV 15 04 0122

LARRY E CRAPNELL MASONRY et al,

Appellees.

* * *

JUDGMENT ENTRY

This cause comes before the Court on an administrative appeal by Larry E. Crapnell appealing the decision of the unemployment compensation review commission disallowing a request for review of a decision by a UCRC hearing officer. The appeal was timely filed and is properly before the Court. The review commission submitted its certified transcript of the record to the Court on May 11, 2015. The Court conducted a scheduling conference on June 22, 2015. Pursuant to that conference the Court established a briefing schedule. The parties agreed to submit the issue on the briefs and waived an oral argument.

In an administrative appeal of unemployment compensation benefits the Court is governed by R.C. 4141.282. Some administrative appeals provide for a trial de novo (workers' compensation) and others such as zoning appeals in Chapter 2506 of the Ohio Revised Code allow for limited evidence under certain circumstances, R.C. 2506.03. However, it is clear in this situation that the Court is confined to this transcript. The Court reviewed the transcript of the hearing conducted by hearing officer Diana Toyzan on January 29, 2015. The appellant participated by phone, the employer was

not represented and did not appear. The hearing indicates that appellant is the son of the employer and works during the construction season weather and job permitting. The main area of discussion was the third quarter of 2013. The hearing officer gave the appellant the opportunity to come up with all the documentation he had, and he indicated he had eight paystubs. The hearing officer's finding was that he worked during eleven weeks during the third quarter. The appellant now argues that the employer's accountant has found an additional payroll record for the week ending August 14, 2013 which would give him twelve weeks in that quarter and twenty weeks in total. Given the amount of pay during that quarter, almost \$9,000 it is not unreasonable to find that the appellant had worked full-time, thirteen weeks and certainly that his claim that he worked twelve weeks is not unreasonable. The Court finds therefore, that the decision of the commission was unreasonable and the same is reversed. It is so **ORDERED.**

Costs to Appellee.

s/ Mark S. O'Connor

Mark S. O'Connor, Judge

ENDORSEMENT REGARDING NOTICE OF JUDGMENT

To the Clerk:

You are hereby directed to serve upon all parties Notice of Judgment and the date on which it was journalized pursuant to Civil Rule 58(B).

s/ Mark S. O'Connor

Mark S. O'Connor, Judge

cc: PETER K DESOMMA
PATRIA V HOSKINS

LOGAN COUNTY
COMMON PLEAS COURT
FILED
2015 SEP 14 11 3:40
BARB HODGKINS
CLERK