

IN THE COURT OF COMMON PLEAS
WASHINGTON COUNTY OHIO

FILED
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2015 SEP 14 PM 1:58
WASHINGTON CO. OHIO

SANDRA K. MCKNIGHT,
Plaintiff,

CASE NO. 14 WC 371

vs.

JUDGE RANDALL G. BURNWORTH

KATHRYN TODD, EXECUTIVE DIRECTOR
STATE OF OHIO UNEMPLOYMENT
REVIEW COMMISSION, ET AL.,
Defendant.

DECISION

This case comes before the Court on a Notice of Appeal from Unemployment Compensation Review Commission (hereafter UCRC), by Sandra K. McKnight (hereafter Appellant).

The UCRC record was filed with the Court January 9, 2015. Appellant filed her brief July 27, 2015. Ohio Department of Job and Family Services (hereafter ODJFS) filed its brief August 24, 2015, and Appellant filed her reply September 8, 2015.

The Court has reviewed all materials submitted by the parties and finds the operative facts to be as follows:

1. Appellant was discharged from employment by Iddings Trucking approximately January 9, 2014.
2. Appellant filed for unemployment approximately February 24, 2014.
3. The claim was originally denied March 17, 2014.
4. Appellant timely appealed approximately April 7, 2014.
5. The Director of ODJFS reversed the decision of March 17, 2014 on April 18, 2014, establishing Appellant's eligibility and finding that she was discharged without just cause.
6. The employer did not appeal that decision.

7. Appellant did not appeal that decision as it was in her favor.
8. Appellant's attempts to comply with ORC 4141.29 (A)(3)(b)(ii) to receive the benefits she was awarded were unsuccessful through no fault of her own due to issues with the two (2) available options to comply, on-line or telephonic. Ohio Administrative Code 414-27-05(A), RC. 4141.29(A)(3).
9. In her continuing efforts to obtain benefits, Appellant faxed documents to ODJFS August 11, 2014, which were inexplicably construed to be an "appeal" of the favorable Decision of April 18, 2014. Since she was not trying to "appeal", she requested and the "appeal" was withdrawn.
10. Appellant again faxed documents to ODJFS August 18, 2014, trying to obtain her benefits. Again, the documents were inexplicably construed by ODJFS to be an "appeal" of her favorable April 18, 2014 Decision by the ODJFS Director.
11. The matter was referred to UCRC and a hearing set with the sole issue being the timeliness of the appeal. Appellant called in for the telephone hearing. Iddings did not participate. [The transcript of the hearing is in the record.] Appellant explained to the hearing officer that she was not trying to appeal the favorable decision; that she was simply trying to get her benefits. She reiterated that when she tried to file electronically and telephonically the systems kicked her out. At Page 7 Line 17 the hearing officer stated, "we're not involved in the day to day administration." Ultimately, he ruled that the "appeal" was not timely filed. Appellant sent a letter essentially saying "Why would I appeal," and of course, the UCRC construed the letter as a request for review of the decision of the hearing officer, reviewed same, and on November 19, 2014 upheld his decision that the "appeal" was not timely filed.

It is clear that Appellant was entitled to benefits per the decision of April 18, 2014. The entire process of ODJFS and UCRC considering an "appeal" and its timeliness are effectively a nullity as Appellant had no reason to appeal a favorable decision and never intended to appeal. She was simply trying to comply with the system's requirement to receive her benefits, without success on-line or telephonically. It is of no relevance, and certainly no consolation to the Court or Appellant, that she had previously navigated the system or that others had successfully applied for and obtained benefits during the same period of time.

Taking the record in its entirety, the Court finds that the Director's Decision of April 18, 2014 validly established Appellant's rights to benefits which ODJFS has failed to pay. Pursuant to ORC 4141.282(H) the Court finds the Decision of the Commission was unreasonable and vacates same. Appellant is granted a reasonable period of time to file appropriate documentation through ODJFS to establish eligibility for weekly benefits consistent with the April 18, 2014 Decision, Ohio Administrative Code 4141-27-05(B). Upon receipt of the appropriate documentation ODJFS shall pay to the Appellant those benefits granted by the April 18, 2014 Director's Decision. To decide otherwise would be inequitable.

Counsel for Appellant to journalize. Costs assessed to Appellees.

Judge Randall G. Burnworth

c. Atty. T. Abbott
Atty. P. Hoskins 