



D111955376

IN THE COURT OF COMMON PLEAS  
HAMILTON COUNTY, OHIO.

**FOR COURT USE ONLY**

S.C. \_\_\_\_\_  
Line #: 10

PAMELA A. WAITES,

Appellant,

vs.

DIRECTOR OF ODJFS,

Appellee.

: Case No. A 1503275

: Judge Robert C. Winkler

**ENTERED**  
SEP 15 2015

: ENTRY ADOPTING THE  
: MAGISTRATE'S DECISION

The Magistrate's decision dismissing this case for Failure to Exhaust Administrative Remedies was filed on August 25, 2015. The objection period has expired and no objections to the decision were filed nor were there any extensions granted. WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the Magistrate's Decision is hereby affirmed.

Costs to the Appellant. This is the final appealable order. There is no just reason for delay.

COURT OF COMMON PLEAS  
ENTER

*[Signature]*  
HON. ROBERT C. WINKLER

JUDGE THE CLERK SHALL SERVE NOTICE  
TO PARTIES PURSUANT TO CIVIL  
RULE 58 WHICH SHALL BE TAXED  
AS COSTS HEREIN.

**MAGISTRATE**

SEP 11 2015

**HAS SEEN**

IN THE COURT OF COMMON PLEAS  
HAMILTON COUNTY, OHIO

PAMELA A. WAITES,

Appellant,

vs.

DIRECTOR OF ODJFS,

Appellee.

: Case No. A 1503275

:  
: Magistrate Michael Bachman

: **MAGISTRATE'S DECISION**



RENDERED THIS 25th DAY OF AUGUST, 2015

This case involves an appeal from the Unemployment Compensation Review Commission's ("Review Commission") Decision dismissing Pamela A. Waites's ("Appellant") appeal for unemployment benefits. The Court addresses the Ohio Department of Jobs and Family Services' ("ODJFS") Motion to Dismiss.

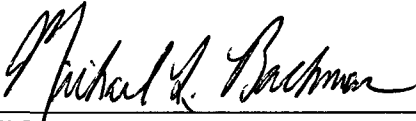
**DISCUSSION**

In this appeal, the Appellant appealed the dismissal of her unemployment compensation appeal. The Review Commission held that the Appellant did not have good cause for failing to appear at a hearing. The Appellant had ten days to move her case forward by requesting a hearing under R.C. 4141.258(D)(5). The Appellant failed to request the hearing but instead appealed to this Court over two years later. An appellant must first exhaust administrative remedies before seeking relief in this court. *Campbell v. Ohio Bureau of Empl. Servs.*, 74 Ohio App.3d 603, 600, N.E.2d 246 (3<sup>rd</sup>

Dist. 1991). The Court finds that the Appellant has failed to exhaust administrative remedies. The Court lacks jurisdiction to hear this appeal.

**DECISION**

The Court hereby DISMISSES the Appellant's appeal for failure to exhaust her administrative remedies.

  
\_\_\_\_\_  
MICHAEL L. BACHMAN  
MAGISTRATE,  
COURT OF COMMON PLEAS

**NOTICE**

Objections to the Magistrate's Decision must be filed within fourteen days of the filing date of the Magistrate's Decision. A party shall not assign as error on appeal the court's adoption of any factual finding of fact or legal conclusion, whether or not specifically designated as a finding of fact or conclusion of law under Civ. R. 53(D)(3)(a)(ii), unless the party timely and specifically objects to that factual finding or legal conclusion as required by Civ. R. 53(D)(3)(b).

Copies sent by Clerk of Courts to:

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY THAT COPIES OF THE FOREGOING DECISION HAVE BEEN SENT BY ORDINARY MAIL TO ALL PARTIES OR THEIR ATTORNEYS AS PROVIDED ABOVE.

Date: 8-26 Deputy Clerk: 