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

THELMA L. ROBINSON
Plaintiff

Case No: CV-15-850445

Judge: JANET R BURNSIDE

DEPARTMENT OF DEFENSE - ET AL.
Defendant

JOURNAL ENTRY

11/30/15: THE COURT HAVING REVIEWED THE COMPLETE RECORD BEFORE IT FINDS THAT THE ADMINISTRATIVE AGENCY DECISION BELOW WAS UNLAWFUL, UNREASONABLE AND AGAINST THE MANIFEST WEIGHT OF THE EVIDENCE. THE UNCONTROVERTED EVIDENCE SHOWS NO FAULT ON THE PART OF THE EMPLOYEE AND NO JUST CAUSE FOR HER DISCHARGE. THE EMPLOYEE ENJOYED A SECURITY CLEARANCE AND THERE WAS NO EVIDENCE THAT IT EXPIRED OR REQUIRED RENEWAL. THE UNCONTROVERTED EVIDENCE WAS THAT THE EMPLOYER USED AN EXTERNAL FACTOR (THAT THE EMPLOYEE'S WAGES WERE BEING GARNISHED OR ATTACHED BY A CREDITOR) AS A BASIS TO REQUIRE HER TO UNDERGO A STRICTER QUALIFICATION HURDLE FOR A SECURITY CLEARANCE. NO EVIDENCE ESTABLISHED ANY REASON FOR HER NOT RECEIVING A SECURITY CLEARANCE AT THE CLOSE OF THIS PROCESS OTHER THAN A CREDITOR GARNISHING HER WAGES. THE EMPLOYER'S REQUIRING HER TO SUBMIT TO A STRICTER QUALIFICATION HURDLE WAS THE ESTABLISHMENT OF A NEW WORK CONDITION OR REQUIREMENT THAT WAS NOT IN EXISTENCE AT THE BEGINNING OF HER EMPLOYMENT. THERE BEING NO EVIDENCE OF FAULT OR JUST CAUSE FOR HER DISCHARGE AND THE AGENCY DECISION BEING UNREASONABLE IN LIGHT OF THE EVIDENCE AND OTHERWISE UNLAWFUL, THE ADMINISTRATIVE AGENCY'S DECISION IS REVERSED AND VACATED. IT IS SO ORDERED. FINAL. COURT COST ASSESSED TO THE DEFENDANT(S).

PURSUANT TO CIV.R. 58(B), THE CLERK OF COURTS IS DIRECTED TO SERVE THIS JUDGMENT IN A MANNER PRESCRIBED BY CIV.R. 5(B). THE CLERK MUST INDICATE ON THE DOCKET THE NAMES AND ADDRESSES OF ALL PARTIES, THE METHOD OF SERVICE, AND THE COSTS ASSOCIATED WITH THIS SERVICE.

Judge Signature

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NAILAH K. BYRD, CLERK