

Ohio case law continues to hold that *pro se* litigants are held to the same standards as a practicing attorney. *Justice v. Lutheran Social Services*, Franklin Cty. No. 92AP-1153, unreported, 1993 Ohio App. LEXIS 2029 at *6 (10th Dist.). The *pro se* litigant is to be treated the same as one trained in the law as far as the requirements to follow procedural law and adherence to court rules, and are presumed to have knowledge of the law and of correct legal procedure. *Kessler v. Kessler*, 2010-Ohio-2369, ¶8 (10thDist.); *Meyers v. First Natl. Bank*, 3 Ohio App.3d 209, 210 (1st Dist.1981); *Erie Ins. Co. v. Bell*, 2002-Ohio-6139 (4th Dist.). *Pro se* civil litigants are also bound by the same rules and procedures as those litigants who retain counsel. *White v. Fifth Third Bank*, 2010-Ohio-4611, ¶13 (10thDist.), citing *Zukowski v. Brunner*, 125 Ohio St.3d 53, 2010-Ohio-1652; *Raccuia v. Kent State Univ.*, 2010-Ohio-3014, ¶13 (10th Dist.); *Copeland v. Rosario*, Summit Cty. No. 18452, 1998 Ohio App. LEXIS 260 at *7 (9thDist.). If the Court treats a *pro se* litigant differently, the Court begins to depart from its duty of impartiality and prejudices the handling of the case as it relates to other litigants represented by counsel. Accordingly, under Ohio law, *pro se* litigants are not accorded greater rights and must accept the results of their mistakes and errors. *Kilroy v. B.H. Lakeshore*, 111 Ohio App.3d 357, 363 (8thDist.1996); *Harris v. Housing Appeals Board*, 2003-Ohio-724, 11 (9thDist.).

In this appeal, appellant's Notice of Appeal does not comport with the requirements of R.C. 4141.282. "It is elementary that an appeal, the right to which is conferred by statute, can be perfected only in the mode prescribed by statute. . . ." *Zier v. Bureau of Unemployment Compensation*, 151 Ohio St. 123, syllabus para.1 (1949). The Ohio Supreme Court has further held that ". . . [c]ompliance with these specific and

mandatory requirements governing the filing of such notice is essential to invoke jurisdiction of the Court of Common Pleas. . . .” *Id.* at paragraph two of the syllabus. In this case, the pertinent portion of R.C. 4141.282, being the statute governing the appeal procedure involved herein, states:

(D) The commission shall provide on its final decision the names and addresses of all interested parties. The appellant shall name all interested parties as appellees in the notice of appeal. The Director of Job and Family Services is always an interested party and shall be named as an appellee in the notice of appeal.

Pursuant to R.C. 4141.282(D), “[t]he appellant shall name all interested parties as appellees in the notice of appeal.” A failure to name one’s employer in the notice of appeal constitutes a failure to comply with the mandatory requirements of R.C. 4141.282(D). *Luton v. Rev. Comm.*, 2012-Ohio-3963, ¶14 (8thDist.). *See also In re Claim of King*, 62 Ohio St.2d 87, 87 (1980) (court determined that because appellee failed to name his employer as a party to the appeal, appellee failed to follow the directives of the statute, and therefore, the court of common pleas lacked subject matter jurisdiction to proceed). “Substantial compliance” with the statute does not vest jurisdiction with the reviewing court. *Luton, supra* at ¶¶15-16.

Here, appellant failed to name all interested parties. Specifically, appellant failed to name his former employer as an appellee in the notice of appeal. Appellant also failed to name the Director of ODFJS as an appellee in her notice of appeal, as required by R.C. 4141.282(D), which provides that the Director of ODJFS is always an interested party and must be named as an appellee in the notice of appeal. “An incorrect notice of appeal does not vest jurisdiction in the court of common pleas.” *Sydenstricker v. Donato's*

Pizzeria, L.L.C., 2010-Ohio-2953, at *5 (11th Dist.). See R.C. 4141.282(C). Appellant has not complied with the mandatory requirements of R.C. 4141.282(D).

Additionally, the appeal filed by the *pro se* appellant does not identify the order from which he is appealing, which is required by R.C. 4141.282(C), and there is no decision attached to the Notice of Appeal. See R.C. 4141.282 (“The notice of appeal shall identify the decision appealed from.”). See *Moore v. Foreacher*, 156 Ohio St. 255, at syllabus (1951) (“notice of appeal” from a decision of the board of review is sufficient “where the notice of appeal clearly and without any ambiguity or uncertainty identifies . . . the decision from which the appeal is taken”); *Altizer v. Bd. of Review*, unreported, 10th Dist. No. 95APE10-1310, 1996 Ohio App. LEXIS 951, at *6 (10thDist.1996)(a valid appeal requires “a written notice indicating a desire for review of a previous determination”).

For all of these reasons, the Court’s jurisdiction has not been invoked to review any decision of the Unemployment Compensation Review Commission with regard to appellant.

Accordingly, the appeal herein is **DISMISSED** based on the fact that the appellant has not invoked the jurisdiction of this Court.

Rule 58(B) of the Ohio Rules of Civil Procedure provides the following:

(B) Notice of filing. When the court signs a judgment, the court shall endorse thereon a direction to the clerk to serve upon all parties not in default for failure to appear notice of the judgment and its date of entry upon the journal. Within three days of entering the judgment on the journal, the clerk shall serve the parties in a manner prescribed by Civ. R. 5(B) and note the service in the appearance docket. Upon serving the notice and notation of the service in the appearance docket, the service is complete. The failure of the clerk to serve notice does not affect the validity of the judgment or the running of the time for appeal except as provided in App. R. 4(A).

THE COURT FINDS THAT THERE IS NO JUST REASON FOR DELAY.

THIS IS A FINAL APPEALABLE ORDER. Pursuant to Civil Rule 58, the Clerk of

Court shall serve notice upon all parties of this judgment and its date of entry.

IT IS SO ORDERED.

Copies To:

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Franklin County Court of Common Pleas

Date: 01-06-2016
Case Title: LARRY D COLLINS -VS- OHIO STATE UNEMPLOYMENT
COMP REVIEW COMM
Case Number: 15CV010653
Type: DECISION/ENTRY

It Is So Ordered.



/s/ Judge Charles A. Schneider

Court Disposition

Case Number: 15CV010653

Case Style: LARRY D COLLINS -VS- OHIO STATE
UNEMPLOYMENT COMP REVIEW COMM

Final Appealable Order: Yes