

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO
CIVIL DIVISION

CLARK W BRUNSON JR,

CASE NO.: 2015 CV 05239

Plaintiff(s),

JUDGE RICHARD S. SKELTON

-vs-

MONTGOMERY COUNTY et al,

JUDGMENT ENTRY AFFIRMING
REVIEW COMMISSION

Defendant(s).

This matter is before the Court as an administrative appeal from the Ohio Unemployment Compensation Review Commission ruling that Appellant was discharged from his employment with the county for just cause and therefore is not entitled to his requested benefits. R.C. 4141.29(D)(2)(a). The Court has reviewed the briefs filed herein and the record of the proceedings before and leading to the Review Commission ruling, certified to this Court and filed herein.

“Just cause” includes an employee’s conduct that is contrary to the best interests of the employer. *Janovsky v. Ohio Bur. Of Emp. Servs.*, 108 Ohio App.3d 690, 671 N.E.2d 611 (2d Dist. 1996). Failure to report for work is such conduct and is just cause for discharge from employment for purposes of unemployment compensation benefits where it is not justified or explained by appropriate communication and documentation, especially where the employment involves work that is necessary and needed for the accomplishment of the employer’s duties. See *Bennett v. Dir., Ohio Dept. of Job & Family Serv.*, 7th Dist. Mahoning App. No. 03-MA-222, 2005-Ohio-3313, ¶28.

The record demonstrates that Appellant was employed as a sewer maintenance worker and attendance at work was an essential requirement for the County to maintain an appropriate work force to assure proper maintenance of the sewer system serving the public within the county. The record is clear that Appellant violated the county policies requiring that he be at work or communicate a justifiable reason or explanation to his supervisor in a timely manner. The record shows that Appellant failed to show and failed to communicate with his supervisor even though the supervisor repeatedly made contact with him. In addition, Appellant had left a note that he was claiming FMLA rights, but did not provide the county with timely documentation to demonstrate entitlement, impeding the County's obligations to document the use of such leave.

Based on the Court's review of the record and the briefs filed herein and the arguments presented, the Court finds that the discharge from employment was the fault of Appellant in disregarding his employer's best interests. His failures constitute unreasonable disregard for his employer's best interests in having a ready and reliable work force in place for maintenance of the sewer system. The Court finds that there is no substantial, reliable, and probative evidence in the record supporting Appellant's contentions that he was treated unfairly or that there are other nefarious reasons that the County discharged him.

The Court concludes that the decision of the Review Commission is not unlawful, unreasonable, or against the manifest weight of the evidence. Accordingly, the decision denying Appellant unemployment benefits is **AFFIRMED**.

SO ORDERED:

JUDGE RICHARD S. SKELTON

THE CLERK OF COURTS IS DIRECTED TO SERVE UPON ALL PARTIES NOT IN DEFAULT FOR FAILURE TO APPEAR, NOTICE OF THE JUDGMENT AND ITS DATE OF ENTRY UPON THE JOURNAL.

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General Division
Montgomery County Common Pleas Court
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So Ordered