

E-FILED
COMMON PLEAS COURT
IN THE COMMON PLEAS COURT OF ERIE COUNTY, OHIO

2016 Jul-29 PM 2:55

Debra Stierhoff : Case No. 2016-CV-0324
Plaintiff(s)
vs : Judge Roger E. Binette
Administrator of the : JUDGMENT ENTRY
Unemployment Review Commission, et al.
Defendant(s) ::::

LUVADA S WILSON
CLERK OF COURTS
2016 CV 0324
Roger E Binette

This matter is before this Court on *Motion To Remove Administrator, Unemployment Compensation Review Commission As Appellee/Motion To Dismiss Appeal For Failure To Comply With O.R.C. §4141.282 ("Motion")* (filed on or about May 31, 2016.)

This Court has received and reviewed the *Motion* and accompanying Memorandum In Support; *Memorandum In Opposition Of Motion To Dismiss* (filed on or about July 1, 2016) the *Notice Of Appeal*; *Amended Notice Of Appeal* and *Complaint: Appeal To Common Pleas Court* and applicable law.

This Court **FINDS** and **HOLDS**:

1. Debra Stierhoff ("Ms. Stierhoff"), pro se, filed the *Notice Of Appeal* and *Complaint: Appeal To Common Pleas Court* on May 5, 2016 and the *Amended Notice Of Appeal* on May 12, 2016. In each of these three filings, Ms. Stierhoff named the "Administrator of the Unemployment Review Commission" and her former employer "Kyklos Bearing International, Inc;" (KBI)
2. The Administrator, Ohio Unemployment Compensation Review Commission ("UCRC") moves to be removed as an appellee and for dismissal for Ms. Stierhoff's failure to name the Director of Ohio Department of Jobs and Family Services ("ODJFS") as a party;
3. Ms. Stierhoff filed a *Memorandum In Opposition* merely giving her belief that UCRC was the proper party not ODJFS;
4. UCRC is not a proper party and R.C. §4141.282 explicitly states and requires that ODJFS be named as an appellee in the Notice of Appeal. Therefore, the *Motion* is well taken;
5. However, the recent decision of The Supreme Court of Ohio has some bearing on this case. In *Pryor v. Dir., Ohio Dept. of Job and Family Services* 2016-Ohio-2907, the Supreme Court held that the only jurisdictional requirement is timely filing of the Notice of Appeal. *Pryor* did not involve the failure to name ODJFS, which is also clearly required in R.C. §4141.282. In *Pryor* the Supreme Court nevertheless held that the Common Pleas Court's dismissal was correct because time to appeal the commission's decision never began to run as the decision did not comply with R.C. §4141.282 (D) and specify that *Pryor's* former employer was an interested party;
6. This Court must apply *Pryor* here as well because the UCRC's decision, issued before *Pryor* does not identify KBI as an interested party;
7. Thus, the proper result here is dismissal of this case because Ms. Stierhoff failed to comply with R.C. §4141.282 by naming ODJFS, a required appellee on the *Notice of Appeal*. This is a statutory requirement, but is not jurisdictional. Moreover, this matter, pursuant to *Pryor*, is remanded to the UCRC to comply therewith and issued a decision which identifies all interested parties by name, including KBI. After UCRC has done so, the time begins to run and Ms. Stierhoff has 30 days to properly file her Notice of Appeal in compliance with R.C. §4141.282.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED based on the foregoing, that the *Motion To Remove Administrator, Unemployment Compensation Review Commission As Appellee/Motion To Dismiss Appeal For Failure To Comply With O.R.C. 4141.282* (filed on or about May 31, 2016) is found well taken and **GRANTED**.

IT IS FURTHER ORDERED that the Appeal is **DISMISSED**.

IT IS FURTHER ORDERED that this matter is **REMANDED** to the Unemployment Compensation Review Commission to issue a Revised Decision which specifically identifies and names all interested parties including, but not limited to, Kyklos Bearing International, Inc., as person(s)/entities to be included on the Notice Of Appeal, if any appeal is taken, pursuant to *Pryor v. Dir. ODJFS*.

IT IS FURTHER ORDERED that this Case is **DISMISSED**.

IT IS FURTHER ORDERED that Appellant, Debra Stierhoff shall bear the costs of this action.

IT IS SO ORDERED.

Debra Stierhoff
Laurence Snyder
Andrew Wilhelms

REB 7/29/16

Journalized 08/01/2016	/s/ ROGER E BINETTE, Judge
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