

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO

|  |   |                       |
|--|---|-----------------------|
| LINDA S. RIDER,  | : |                       |
|  | : |                       |
| Appellant,   | : |                       |
|  | : |                       |
| vs.  | : | Case No. 16CVF05-4437 |
|  | : |                       |
| OHIO STATE DEPARTMENT OF JOB &<br>FAMILY SERVICES, et al., | : | Judge Cain            |
|  | : |                       |
| Appellees.   | : |                       |

DECISION TO AFFIRM AND FINAL JUDGMENT

Rendered this \_\_\_\_ day of November 2016.

CAIN, J.

The present matter is an administrative appeal of a decision of the Ohio Unemployment Compensation Review Commission (hereinafter the "Commission"). The parties have thoroughly briefed the issues in this matter and the Court is now ready to render its decision.

The events leading up to the present appeal, as evidenced by the record before the Court, are as follows. On June 22, 2015 Appellant was discharged from her employment with the Ohio State University. Appellant felt that she was discharged without cause and therefore, filed a claim for unemployment benefits with the Ohio Department of Job & Family Services (hereinafter the "ODJFS"). The ODJFS initially allowed Appellant's claim for benefits, but this allowance was stayed pending a redetermination of Appellant's claim by the director of the ODJFS. After Appellant's claim was reviewed anew, the ODJFS issued a decision on September 2, 2015 finding that Appellant was discharged from her employment without cause. The ODJFS once again allowed Appellant's claim for benefits.

The Ohio State University promptly appealed the ODJFS’s decision and jurisdiction over this matter was transferred to the Commission. A telephone hearing was conducted by the Commission in three parts beginning on October 20, 2015 and ultimately concluding on December 16, 2015. On February 29, 2016 the Commission issued a decision whereby it reversed the ODJFS and found that Appellant had been discharged from her employment with cause. As such, the Commission denied Appellant’s claim for unemployment benefits. The Commission further found that Appellant must repay the unemployment benefits paid to her in error. Appellant then asked for further review of her claim by the Commission, but her claim was again denied in a decision issued on April 6, 2016. Appellant promptly appealed the Commission’s determination to this Court.

The present appeal is governed by R.C. 4141.282, which states in pertinent part:

The court shall hear the appeal on the certified record provided by the commission. If the court finds that the decision of the commission was unlawful, unreasonable, or against the manifest weight of the evidence, it shall reverse, vacate, or modify the decision, or remand the matter to the commission. Otherwise, the court shall affirm the decision of the commission.

R.C. 4141.282(H). In the case of Tzangas, Plakas & Mannos v. Administrator, Ohio Bureau of Employment Servs. (1995), 73 Ohio St. 3d 694, the Ohio Supreme Court held:

[W]hile appellate courts are not permitted to make factual findings or to determine the credibility of witnesses; they do have the duty to determine whether the board's decision is supported by the evidence in the record.

Id. at 696. In reviewing the record before the Court, said review “is neither a trial *de novo* nor an appeal on questions of law only, but a hybrid review in which the court 'must appraise all the evidence as to the credibility of the witnesses, the probative character of the evidence, and the weight thereof.’” MacConnell v. Ohio DOC (10<sup>th</sup> Dist., 2005), 2005 Ohio 1960, at ¶18. “The court must defer to the agency's findings of fact unless they are

"internally inconsistent, impeached by evidence of a prior inconsistent statement, rest upon improper inferences, or are otherwise unsupportable." Glasstetter v. Rehab. Servs. Comm'n (10<sup>th</sup> Dist., 2014), 2014 Ohio 3014 at ¶14. "However, the common pleas court reviews legal questions de novo." Id.

Upon a thorough review of the record in this matter, the Court must affirm the Commission's decision. The record in this matter contains more than enough evidence to support the Commission's determination that Appellant was discharged from her employment for cause. Appellant has completely failed to cite to anything in the record that would undermine the Commission's determinations. In fact, all Appellant does in her briefs is accuse everybody involved in this matter of being incompetent or a liar. Appellant seems to be under the impression that her personal opinion of herself and the evidence should override what the evidence actually shows. The Court can only find that the Commission's decision to deny Appellant unemployment compensation benefits is lawful, reasonable, and with the manifest weight of the evidence. As such, the Commission's February 29, 2016 and April 6, 2016 decisions must be affirmed.

Accordingly, the Court hereby awards judgment in Appellees' favor and against Appellant. The Ohio Unemployment Compensation Review Commission's February 29, 2016 and April 6, 2016 orders denying Appellant unemployment compensation benefits are hereby AFFIRMED. Costs to Appellant. This is a final appealable order and there is no just cause for delay. The Clerk shall serve a copy of this decision on all parties in accordance with Civ. R. 58(B).

IT IS SO ORDERED.

Copies to:

Linda S. Rider  
Appellant

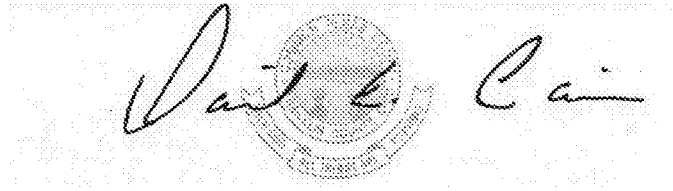
David E. Lefton  
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Lindsey S. Sestile  
Counsel for Appellee, The Ohio State University

Franklin County Court of Common Pleas

**Date:** 11-10-2016  
**Case Title:** LINDA S RIDER -VS- OHIO STATE DEPARTMENT JOB FAMILY SERVICE ET AL  
**Case Number:** 16CV004437  
**Type:** DECISION/ENTRY

It Is So Ordered.

The image shows a handwritten signature in cursive that reads "David E. Cain". To the right of the signature is a circular official seal, which is partially obscured by the signature. The seal appears to be the official seal of the Franklin County Court of Common Pleas.

/s/ Judge David E. Cain

Court Disposition

Case Number: 16CV004437

Case Style: LINDA S RIDER -VS- OHIO STATE DEPARTMENT JOB  
FAMILY SERVICE ET AL

Case Terminated: 18 - Other Terminations

Final Appealable Order: Yes