

**COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO
CIVIL DIVISION**

LISA HAMILTON,	:	
Appellant,	:	CASE NO. 17 CV 38
-vs-	:	JUDGE KIMBERLY COCROFT
OHIO UNEMPLOYMENT COMPENSATION REVIEW, et al.,	:	
Appellee.	:	

DECISION AND ENTRY

COCROFT, J.,

This matter is before this Court pursuant to Appellee, Ohio Department of Job and Family Services’ (“ODJFS”), motion to dismiss filed on March 22, 2017. The record demonstrates that Appellant did not file a memorandum in opposition.

ODJFS argues that this matter should be dismissed pursuant to Civ. R. 12(B)(1) for lack of subject matter jurisdiction. ODJFS asserts that this appeal was filed by a non-attorney on behalf of a corporation, Hamilton Healthcare & Medical Consulting, LLC.

Under Ohio law, a corporation cannot maintain litigation or appear in court through either an officer of the corporation or an appointed agent that is not licensed to practice law in the state of Ohio, except under limited circumstances. *Union Sav. Ass’n v. Home Owners Aid, Inc.*, 23 Ohio St. 2d 60 (1970). A corporation is an artificial person, created by the legislature and derives its authority and capacity from statute. *Id.* Thus, a corporation has an identity separate and distinct from its individual shareholders, directors and officers.]

A non-attorney may not represent a corporation, or take legal action on behalf of that entity, such as filing a notice of appeal in a court. Gov.Bar R. VII(2)(A); *Cleveland Bar Ass’n v.*

CompManagement, Inc., 111 OhioSt.3d 444 (2006). Moreover, R.C. 4705.01 prohibits anyone from practicing law or commencing or defending an action in which she/he is not a party concerned unless he/she has been admitted to the bar of order of the Ohio Supreme Court. *Id.* at 64.

The record also reflects that Appellant's brief was due on March 14, 2017. Appellant has not filed a brief nor has there been a request for an extension. Thus, Appellant has failed to prosecute this appeal. Civ. R. 41. Moreover, there appears to be an issue as to whether Lisa Hamilton has standing to file this appeal.

A review of the record of proceedings demonstrates that the employer, Hamilton Healthcare & Medical Consulting, discharged the employee, Christina Cremeans, in August 2016. On September 1, 2016, Ms. Cremeans' application for benefits was allowed, with benefits commencing as of August 14, 2016. The employer's representative, Lisa Hamilton, and the employee, Christine Cremeans, participated in a telephone hearing on November 1, 2016. Hearing Officer Kevin Thornton made the following findings of fact:

On September 23, 2016, the Director sent the Redetermination to the last known address of the appellant. The date sent is evidenced by the "date issued" set forth on the Redetermination. The appellant received the Redetermination prior to October 14, 2016, the last day to appeal set forth in the statute.

November 2, 2016 Decision.

The Hearing Officer determined that Appellant did not timely file an appeal on October 17, 2016, and that Ms. Hamilton did not provide certified medical evidence to substantiate the claim that her physical condition or mental capacity prevented her from filing a timely appeal on behalf of Appellant. November 2, 2016 Decision. The record shows that Appellant's Request for Review was disallowed on December 5, 2016.

Accordingly, this Court concludes as a matter of law that Appellant failed to file a brief and thus, failed to prosecute this appeal. Additionally, this Court lacks jurisdiction to address the merits

this appeal.

ODJFS motion to dismiss is **GRANTED**, and the appeal is hereby **DISMISSED**.

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 of this judgment and its date of entry upon all parties.

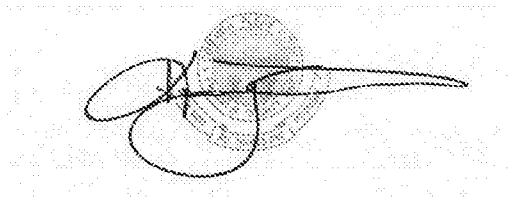
It is so ORDERED.

Copies to all parties registered for e-filing

Franklin County Court of Common Pleas

Date: 04-07-2017
Case Title: LISA HAMILTON -VS- OHIO STATE UNEMPLOYMENT
COMPENSATION REVIEW
Case Number: 17CV000038
Type: ENTRY

It Is So Ordered.

A handwritten signature in black ink, appearing to read 'K. Cocroft', is written over a light gray, textured rectangular background.

/s/ Judge Kimberly Cocroft

Court Disposition

Case Number: 17CV000038

Case Style: LISA HAMILTON -VS- OHIO STATE UNEMPLOYMENT
COMPENSATION REVIEW

Case Terminated: 10 - Magistrate

Final Appealable Order: Yes

Motion Tie Off Information:

1. Motion CMS Document Id: 17CV0000382017-03-2299980000
Document Title: 03-22-2017-MOTION TO DISMISS -
DEFENDANT: OHIO STATE DEPARTMENT JOB FAMILY SERVICE
Disposition: MOTION GRANTED