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**IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO**

MEDICAL MUTUAL OF OHIO
Plaintiff

TONIA M. WALKER, ET AL
Defendant

Case No: CV-16-868504

Judge: SHERRIE MIDAY

JOURNAL ENTRY

96 DISP.OTHER - FINAL

ON JULY 11, 2016, APPELLANT/EMPLOYER MEDICAL MUTUAL OF OHIO INC. TIMELY FILED A REQUEST FOR REVIEW TO THE STATE OF OHIO UNEMPLOYMENT COMPENSATION REVIEW COMMISSION (UCRC) REGARDING THE DECISION ISSUED ON JUNE 21, 2016 ALLOWING APPELLEE TONIA WALKER'S CLAIM FOR UNEMPLOYMENT BENEFITS. ON AUGUST 3, 2016, THE UCRC DISALLOWED APPELLANT'S REQUEST FOR REVIEW AND IT IS FROM THIS DECISION THE EMPLOYER APPEALS TO THIS COURT.

UPON REVIEW OF THE RECORD AND THE BRIEFS FILED BY THE PARTIES IN THIS MATTER, THE COURT AFFIRMS THE FINAL DECISION OF THE UCRC ISSUED ON JUNE 21, 2016 THAT APPELLEE/CLAIMANT TONIA WALKER WAS DISCHARGED FROM HER EMPLOYMENT WITH MEDICAL MUTUAL OF OHIO INC. WITHOUT JUST CAUSE. THE COURT FINDS THAT THE COMMISSION'S DECISION WAS SUPPORTED BY THE EVIDENCE IN THE CERTIFIED RECORD, AND IT WAS THEREFORE NOT UNREASONABLE, UNLAWFUL, OR AGAINST THE MANIFEST WEIGHT OF THE EVIDENCE PURSUANT TO R.C. SECTION 4141.282(H).

THE COURT FINDS THAT IT WAS NOT UNREASONABLE, UNLAWFUL OR AGAINST THE MANIFEST WEIGHT OF THE EVIDENCE FOR THE UCRC HEARING OFFICER TO FIND: (1) THAT MEDICAL MUTUAL OF OHIO INC. DID NOT FOLLOW IT'S PROGRESSIVE DISCIPLINE POLICY; (2) THAT THE PERFORMANCE METRICS - PARTICULARLY THE SCHEDULE ADHERENCE METRIC - HAD NOT BEEN UNIFORMLY OR RELIABLY ENFORCED; AND (3) THAT CLAIMANT WAS DISCHARGED BY MEDICAL MUTUAL OF OHIO INC. WITHOUT JUST CAUSE IN CONNECTION WITH WORK PURSUANT TO R.C. SECTION 4141.29(D)(2)(A). AS SUCH, APPELLEE'S CLAIM FOR UNEMPLOYMENT BENEFITS IS ALLOWED BASED UPON A DISQUALIFYING SEPARATION FROM EMPLOYMENT.

COURT COST ASSESSED TO THE PLAINTIFF(S).

Judge Signature

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