

2017 JUL -6 PM 3:1

IN THE COURT OF COMMON PLEAS
CARROLL COUNTY, OHIO

DOUGLAS E. MILLER
1074 LONG STREET SE
CARROLLTON, OHIO 44615

Appellant

vs.

UNEMPLOYMENT COMPENSATION
REVIEW COMMISSION, ET AL

Defendant

CASE NO. 2016 CVF 28659

FILED

JUL 06 2017

CARROLL COMMON PLEAS
WILLIAM R. WOHLWEND

JUDGMENT ENTRY

DOMINICK E. OLIVITO, JR. JUDGE

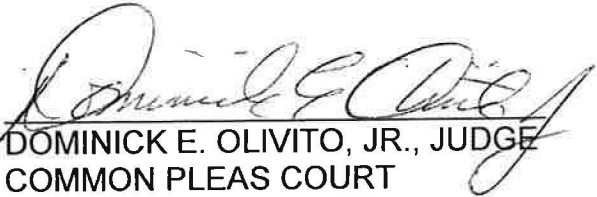
This case is an unemployment appeal. In a final administrative decision, the Unemployment Compensation Review Commission determined that Appellant Douglas E. Miller did not demonstrate good cause for his failure to appear at the hearing under R.C. 4141.281 (D)(5).

The Review Commission, the factfinder in this matter, issued its decision based upon testimony provided at the October 18, 2016 hearing, which had been held pursuant to R.C. 4141.2819(D)(5), and upon all the Exhibits that have been made a part of the official record, the Hearing Officer having given each the weight he believed it warranted. Based upon all the information about this case at its disposal, the Commission arrived at its findings of fact, its decision, and reasoning which support that decision. There is ample support in the record for determination that Claimant did not have good cause to fail to attend the December 7, 2010 hearing. This Court is without jurisdiction to weigh the evidence or assess credibility. Brown-Brockmeyer Co. v. Roach (1947), 148 Ohio St. 511. If credible

evidence support Review Commission's conclusion, the law prohibits a reviewing court from substituting its judgment for that of the Review Commission. *Simon v. Lake Geauga Printing Co.* (1982), 69 Ohio St. 2d 41; *Kilgore v. Board of Review* (1965), 2 Ohio App. 2d 69. The Court does not have jurisdiction to review the merits of this appeal, as the merits were not decided administratively.

This Court, having reviewed all pleadings, briefs, the record upon hearing and arguments of counsel, and having considered the same, finds that the decision of the Review Commission is not unlawful, unreasonable or against the manifest weight of the evidence. Therefore, the Court affirms the Review Commission's decision.

It is so Ordered.


DOMINICK E. OLIVITO, JR., JUDGE
COMMON PLEAS COURT
CARROLL COUNTY, OHIO

cc: Attorney Peter Horvath
Susan M. Sheffield, Senior Assistant Attorney General

FINAL APPEALABLE ORDER