

COMMON PLEAS COURT
WASHINGTON COUNTY, OHIO

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2017 JUL 19 AM 9:54
WASHINGTON CO. OHIO

James A. White, :
Appellant, : Case No. 14 AA 168
vs. : Judge Mark Kerenyi
Greenwood Transportation, LLC., et al. :
Appellees. : DECISION

The above styled action came before the Court on an appeal of a determination that disallowed unemployment benefits. The Appellant herein, James White, is a former employee of Greenwood Transportation, LLC.

The Appellant is appealing the decision of the Unemployment Compensation Review Commission (UCRC) that found that he quit his employment without just cause and, therefore, was not eligible for unemployment compensation benefits.

The UCRC found that the Appellant worked as a heavy equipment operator, maintenance mechanic and as-needed truck driver for Greenwood Transportation from August 14, 2012 through November 21, 2012. On November 20, 2012 the Appellant and the company owner had a disagreement about an excavator track coming off. The owner became frustrated with the Appellant and raised his voice at the Appellant. This was the first time the owner showed displeasure with the Appellant's work. The following day the owner was still frustrated with the Appellant when he determined that the excavator's other track was loose, indicating the Appellant was not performing proper maintenance on the machine. On November 21, 2012 the

Appellant assumed that his services were no longer necessary and informed his employer's secretary that this was his last day. He had completed the excavating work that was asked of him. He wanted to be laid off so that he could collect unemployment and spend time with his family. The Appellant's father and brother were both ill. The employer had additional work for the Appellant and did not intend to lay him off. He was not hired solely to perform excavating work.

After a long procedural history, this Court remanded this case for a hearing before the UCRC. The UCRC took testimony from both the employer and the Appellant. The UCRC then rendered a decision that found the Appellant quit his employment without just cause and was not eligible for unemployment benefits. The UCRC reasoned that the one incident of the employer becoming angry with the Appellant was an isolated incident that was not sufficient to create just cause to resign. Further, the Appellant assumed his work was completed and that he could leave to spend time with his family. This assumption was incorrect. The employer had more work for the Appellant.

A party dissatisfied with the UCRC's final decision may appeal to the appropriate Court of Common Pleas, which shall hear the appeal on the record certified by the UCRC. Pursuant to R.C. 4141.282(H), "(i)f 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." *Tzangas, Plakas & Mannos v. Ohio Bur. of Emp. Servs.*, 73 Ohio St.3d 694 (1995).

The duty of the courts is to determine whether the evidence in the record supports the decision of the UCRC and whether that determination applied the correct legal standard. Where the UCRC might reasonably decide either way, courts have no authority to upset the UCRC's

decision. *Charles Livingston & Sons, Inc., v. Constance*, 115 Ohio App. 437 (1961). Judgments supported by some competent, credible evidence on the essential elements of the controversy may not be reversed as being against the manifest weight of the evidence. *C. E. Morris Co., v. Foley Constr. Co.*, 54 Ohio St.2d 279 (1987). The Court is not permitted to reinterpret the facts.

The Unemployment Compensation Act does not exist to protect employees from themselves, but to protect them from economic forces over which they have no control. When an employee is at fault, he is no longer the victim of fortune's whims, but is instead directly responsible for his own predicament. R. C. 4141.29(C)(2)(a), states in pertinent part, as follows:

[N]o individual may serve a waiting period or be paid benefits ***:

(1) For the duration of the individual's unemployment if the director finds that:

(A) The individual quit work without just cause or has been discharged for just cause in connection with the individual's work***.

"Just cause" is defined as "that which, to an ordinarily intelligent person, is a justifiable reason for doing or not doing a particular act." *Irvine v. Unemp. Comp. Bd. of Rev.*, 19 Ohio St.3d 15 (1985). The *Irvine* Court further stated, "Each case must be considered upon its particular merits." *Id.* Ohio law provides that no individual discharged for just cause may receive unemployment benefits. *Tzangas, supra*; R.C. 4141.29(D)(2)(a).

After reviewing the entire record, including the transcript of the hearing before the UCRC, this Court cannot say that the UCRC's decision was unlawful, unreasonable, or against the manifest weight of the evidence. The evidence in the record supports the UCRC's decision and the UCRC applied the correct legal standard.

Therefore, this Court affirms the decision of UCRC to deny benefits.

SO ORDERED.

ENTER AS OF DATE OF FILING:

Judge Mark Kerenyi

c: Attorney Hoskins
James White
Greenwood Transportation, LLC