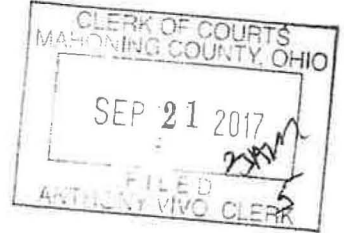


ME



IN THE COURT OF COMMON PLEAS
MAHONING COUNTY, OHIO

Michelle M. Petro, et al.,

Plaintiffs,

vs.

Astro Shapes, Inc,

Defendant.

) Case No. 2016 CV 3319

)

)

) Judge Lou A. D'Apolito

)

) Judgment Entry

)

)

)



2016 CV
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JUDENT

This matter is before the Court upon the Employer's Objections to the July 26, 2017 Magistrate's Decision affirming the decision of the Unemployment Compensation Review Commission.


Upon independent review and consideration the Court finds that the decision of the Review Commission was neither unlawful, unreasonable, nor against the manifest weight of the evidence. As the Magistrate found, the Commission's decision was supported by credible evidence that the employee, at seven months pregnant, vomited in the parking lot while on her way into the facility to timely report for her shift. Due to her illness, the employee was 1 to 2 minutes late. Employer then terminated her for violating a "last chance" agreement. The Commission made its decision that the termination was not for just cause based on this evidence, finding that being ill and vomiting, which caused the 1 to 2 minute tardiness was beyond the control of the employee. As it relates to the relevant issue of claimant's tardiness

on April 24, 2016, the Commission's reliance on such evidence is appropriate. The Magistrate made no error of law in affirming the Commission's decision. As such, the Court overrules the objections and adopts the Magistrate's Decision as the Final Judgment of the Court.

There is no just cause for delay.

Dated: _____

9/20/17



Judge Lou A. D'Apolito

**CLERK: COPIES TO ALL COUNSEL OR
UNREPRESENTED PARTIES**

MD

STATE OF OHIO
MAHONING COUNTY,) SS.

IN THE COURT OF COMMON PLEAS

CLERK OF COURTS
MAHONING COUNTY, OHIO
JUN 26 2017
FILED
ANTHONY VIVO, CLERK

CASE NO. 16 CV 3319

DATE 6-23-2017

Michelle M. Petro
PLAINTIFF

VS.

Astro Shapes, Inc.
DEFENDANT

MAGISTRATE'S DECISION

This case is before the Magistrate pursuant to an administrative appeal of Defendant to a decision of the Unemployment Compensation Review Commission, reversing a Director's redetermination affirming the denial of Ms. Petro's unemployment compensation benefits.

Upon review, and pursuant to R.C. 4141.282(H), the Court, giving all due deference to the factual findings of the trier of fact, finds that the decision of the Review Commission to be supported by the evidence in the certified record, and that the Review Commission's decision to reinstitute Petro's unemployment benefits was neither unlawful, unreasonable, nor against the manifest weight of the evidence.

The Magistrate affirms the November 9, 2016 decision of the Review Commission. The Employer's appeal is denied.

CLERK : COPY TO ALL COUNSEL
OR UNREPRESENTED PARTY.



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APPROVED:

ATTORNEY FOR PLAINTIFF

ATTORNEY FOR DEFENDANT

MAGISTRATE

Magistrate Daniel P. Dascenzo