

IN THE COURT OF COMMON PLEAS OF GALLIA COUNTY, OHIO  
GENERAL DIVISION

Gayla L. Fetty,

Case No. 11 CV 134

Appellant,

-vs-

Director, Ohio Department of  
Job and Family Services, et.al.,

Appellees.

FILED  
power by *Shawanda*  
CLERK OF COURTS  
GALLIA COUNTY, OHIO

2012 JAN - 6 AM 10:32

COMMON PLEAS CLERK

**JUDGEMENT ENTRY**

Now comes the Court to consider the appeal of Gayla L. Fetty from the decision of the Division of the Ohio Unemployment Compensation Review Commission dismissing her appeal from the denial of unemployment benefits by the Director of the Ohio Department of Job and Family Services because it was not timely filed.

The nature of these proceedings is an appeal to this Court from an administrative proceeding. In this case, Gayla L. Fetty was terminated from employment basically for substandard work performance after several chances to correct same. She filed for unemployment benefits with Ohio Department of Job and Family Services which was disallowed. She appealed that decision which again denied benefits for unemployment compensation. On January 20, 2011 she appealed the decision of Ohio Job and Family Services dated November 10, 2010 for redetermination. Said appeal was transferred to the Unemployment Compensation Review Commission which conducted a hearing and dismissed same as being untimely filed. This matter is now before the Court as an administrative appeal regarding the dismissal because of untimeliness.

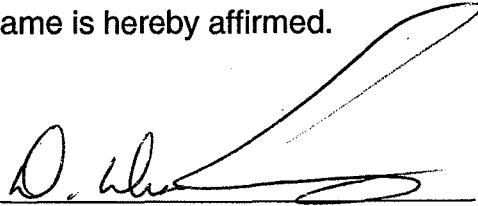
Gayla L. Fetty acknowledges that her appeal was not timely filed but argues pursuant to the Civil Rules that her attorney was required to be notified of her denial for reconsideration and since he wasn't, her appeal time did not start to run. She further acknowledges that she received the denial notice and advice concerning appeal rights. The Ohio Department of Job and Family Services argues that these were administrative proceedings to which the Civil Rules do not apply.

The function of this Court is not to re-try the case but to review the certified record to determine if there was error in the administrative process. As a reviewing

court, this Court may not make factual determinations or substitute its judgment for that of the Review Commission. It is limited to determining whether the Commission's decision was unlawful, unreasonable or against the manifest weight of the evidence.

This Court, upon review of the certified record provided and the briefs of the parties, finds that the decision of the Unemployment Compensation Review Commission was not unlawful, unreasonable, nor against the manifest weight of the evidence. As such, the Court finds that said commission's decision should be affirmed.

IT IS, THEREFORE, ORDERED that the decision of the Unemployment Compensation Review Commission be and same is hereby affirmed.

A handwritten signature in black ink, appearing to read 'D. Evans', written over a horizontal line.

**D. DEAN EVANS, JUDGE**

The Clerk is directed to furnish a copy of the foregoing entry to Steven L. Story, Attorney for Appellant, 216 East Main St., Ste. 200, Pomeroy, OH 45769; Patria V. Hoskins, Attorney for Appellee, Assistant Attorney General, 30 E. Broad Street, 26<sup>th</sup> Floor, Columbus, OH 43215-3400; State of Ohio, Unemployment Compensation Review Commission, 145 South Front Street, P.O. Box 182299, Columbus, OH 43218-2299; and T/he Ohio Valley Bank Co. Inc., P.O. Box 240, Gallipolis, OH 45631.