

DANIEL M. HOFFICAN

IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

2012 MAR 22 PM 2: 58
NATALIE HAUBER,

SUMMIT COUNTY
CLERK OF COURT, Appellant,

-vs-

OHIO DEPARTMENT OF JOB AND
FAMILY SERVICES et al.,

Appellees.

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) CASE NO. CV 2011-08-4616
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) JUDGE THOMAS A. TEODOSIO
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) **FINAL ORDER**
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This matter is before the Court on the appeal of Natalie Hauber of the decision of the Unemployment Compensation Review Commission, dated May 18, 2011, reversing the Director's Redetermination and disallowing the Claimant's Application for Determination of Benefit Rights.

Appellant began her employment with InfoCision Management Corporation on September 7, 2007. On September 28, 2010, InfoCision announced that it was restructuring its Human Resources Divisions. As part of the company-wide restructuring, Appellant's position was changed from Human Resources Coordinator to Recruiting and Retention Coordinator. Both positions deal primarily with employee recruitment.

On November 22, 2010, Appellant resigned her position and gave two weeks notice via an e-mail to her supervisors. She did not provide a reason for quitting. During her meeting with her supervisors on November 23, 2010, Appellant quit her position as of that day.

At the hearing before the Review Commission, Appellant testified she quit the position because she was "overwhelmed," it was not a position she had applied for, and she felt that she "just could not do the job anymore." Before giving her resignation, Appellant held her new

position for 22 calendar days, about 9 or 10 of which were spent on the job. Appellant further testified she felt like the new position was a demotion because she was hiring employees of a "different caliber" whom she considered less skilled than the workers hired under her former position. At the hearing, Appellant testified that she felt her training for the new position was subpar. Appellant further testified that she did not ask for more training.

On December 15, 2010, a Director's decision held that Appellant quit her employment with just cause and allowed Claimant's application for benefits. A redetermination was issued on February 10, 2011, affirming the decision. That decision was appealed to the Review Commission and a hearing was held on May 16, 2011. On May 18, 2011, the Hearing Officer reversed the Director's redetermination decision, finding that the Appellant had quit her employment without just cause and was not entitled to benefits. The Hearing Officer's decision is on appeal to this Court.

A court may reverse a "just cause" determination only if it unlawful, unreasonable, or against the manifest weight of the evidence. *Irvine v. Unemp. Comp. Bd. of Review* (1985), 19 Ohio St. 3d 15. The fact that reasonable minds might reach different conclusions is not a basis for the reversal of the board's decision. *Id.* The Ohio Supreme Court has explained that the resolution of factual questions is chiefly within the Review Commission's scope of review. *Lorain County v. State* (9th Dist. 2010), 2010 Ohio 1924. If the reviewing court finds evidence in the record to support the findings, then the court cannot substitute its judgment for that of the Review Commission. *Id.*

To be eligible for unemployment compensation benefits in Ohio, claimants must satisfy the criteria established pursuant to R.C. 4141.29(D)(2)(a), which provides that no individual may be paid unemployment compensation benefits if he or she quits work without just cause.

“The claimant has the burden of proving her entitlement to unemployment compensation benefits under this statutory provision.” *Klemencic v. Robinson Mem. Hosp.* (9th Dist. 2010), 2010 Ohio 5108. Traditionally, in the statutory sense, "just cause" has been defined as "that which, to an ordinarily intelligent person, is a justifiable reason for doing or not doing a particular act." *Id.*

Appellant has briefed one Assignment of Error: “The Decision of Hearing Officer Shane Griest that Ms. Hauber quit her position with InfoCision without just cause was unreasonable and against the manifest weight of the evidence, and Mr. Griest committed reversible error when he failed to consider any evidence of Ms. Hauber’s employment before November 2010.”

The evidence considered by the Hearing Officer consisted of the evidence presented at the May 16, 2011, hearing. Appellant’s brief to this Court outlines a theory of retaliation based upon Ms. Hauber’s employment history prior to November, 2010, including events involving Appellant’s mother, Silvia Hauber, who provided deposition testimony in a lawsuit brought by InfoCision and who later filed a claim against InfoCision with the Ohio Civil Rights Commission. This theory of retaliation and the surrounding facts were not presented at the May 16, 2011, hearing. This Court can only consider those facts supported by the record.

The record supplies evidence that Appellant quit her job without giving a reason. Appellant states that she felt overwhelmed, but she did not ask for additional training and she did not give her employer the opportunity to correct any of the alleged problems. Instead, Appellant quit her job after approximately ten days of working at her new position. With regard to her new position, Appellant testified the change of job titles was the result of a company-wide restructuring. She provides no testimony to support a theory of retaliation.

The Court finds evidence in the record to support the findings of the Review Commission. The Hearing Officer found that Appellant quit employment with InfoCision after approximately 8 days in her new position because she was dissatisfied with the job as compared to her prior position. The Hearing Officer found that given the circumstances, Appellant did not act as a reasonably prudent person when she decided to quit her job because of dissatisfaction with a position she had held for only a brief time. Based on these findings, the Hearing Officer concluded that Appellant quit her job without just cause.

This Court finds there is evidence in the record to support the Review Commission's finding that claimant quit her job without just cause. The decision of the Unemployment Compensation Review Commission, dated May 18, 2011, is AFFIRMED.

IT IS SO ORDERED.

JUDGE THOMAS A. TEODOSIO

Pursuant to Civ.R. 58(B), the Clerk of Courts shall serve upon all parties not in default for failure to appear notice of this judgment and its date of entry upon the journal.

JUDGE THOMAS A. TEODOSIO

cc: Attorney Susan M. Sheffield
Attorney Michael B. Bowler
Attorney Kathleen M. Gadd