



**COPY**

**LORAIN COUNTY COURT OF COMMON PLEAS  
LORAIN COUNTY, OHIO**

*Filed May 10 - 2012*

**RON NABAKOWSKI, Clerk  
JOURNAL ENTRY  
Raymond J Ewers, Judge**

Date 5/10/12

Case No. 11CV174711

ANTHONY TRUXALL

Plaintiff

Plaintiff's Attorney

VS

A & D TECHNOLOGY, ET AL

Defendant

Defendant's Attorney

This matter came on for consideration of Plaintiff/Appellant Anthony Truxall's ("Mr. Truxall") Brief and Assignments of Error, Defendant/ Appellee Director, Ohio Department of Job and Family Services' Brief, Plaintiff/Appellant Anthony Truxall's Reply Brief and the administrative record.

This Court finds that this case is an administrative appeal. Specifically, this Court finds that Mr. Truxall is appealing his denial of unemployment compensation from the Ohio Department of Job and Family Services.

**STANDARD OF REVIEW**

R.C. 4141.282 governs unemployment compensation appeals to the court of common pleas. Subsection (H) of that statute provides as follows:

The court shall hear the appeal on the certified record provided by the commission. If 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.

*Id.*

**LEGAL ANALYSIS AND CONCLUSIONS OF LAW**

A party who is dissatisfied with the final determination of the Unemployment Compensation Review Commission ("UCRC") may appeal that decision to the appropriate court of common pleas, which shall hear the appeal on the record certified by the commission. R.C.





4141.282(H). "If the court finds that the decision was unlawful, unreasonable or against the manifest weight of the evidence \* \* \*" it may reverse the determination. Id. On review of purely factual questions, the common pleas court is limited to determining whether the UCRC hearing officer's determination is supported by the evidence in the record. *Tzangas Plakas v. Ohio Bur. of Emp. Servs.* (1995), 73 Ohio St.3d 694, 697. Factual findings supported by some competent, credible evidence going to the essential elements of the controversy must be affirmed. *C.E. Morris v. Foley Constr. Co.* (1978), 54 Ohio St.2d 279, syllabus. Therefore, this court "may only reverse an unemployment compensation eligibility decision by [UCRC] if the decision is unlawful, unreasonable, or against the manifest weight of the evidence." *Markovich v. Emps. Unity, Inc.*, 9th Dist. No. 21826, 2004-Ohio-4193 (citations omitted).

Upon review of the administrative record, this Court does/does not find that the decision denying unemployment compensation was not unlawful, unreasonable or against the manifest weight of the evidence. Therefore, this Court denies Mr. Truxall's appeal and affirms the administrative decision.

Case closed at Plaintiff/Appellant Anthony Truxall's costs. This is a final appealable order. There is no just reason for delay.

**TO THE CLERK: THIS IS A FINAL APPEALABLE ORDER. PLEASE SERVE UPON ALL PARTIES NOT IN DEFAULT FOR FAILURE TO APPEAR, NOTICE OF THE JUDGMENT AND ITS DATE OF ENTRY UPON THE JOURNAL.**

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RAYMOND J EWERS, JUDGE

COUNSEL SHALL PROVIDE A COURTESY COPY DIRECTLY TO JUDGE EWERS' CHAMBERS BY FACSIMILE AT (440) 329-5731 OR BY E-MAIL AT KMACKINTOSH@LORAINCOUNTY.US OF ALL NOTICES OF DISMISSAL, MOTIONS OR ANY OTHER PLEADING THAT REQUIRES THE COURT'S ATTENTION. COUNSEL SHALL NOT RELY UPON THE FILING WITH THE CLERK OF COURTS THAT THE COURT HAS BEEN NOTIFIED OF SUCH FILING.

cc: A. Truxall  
Atty Mazarow  
A & D

