STATE OF OHIO

CUYAHOGA COUNTY

MICHAEL SMORADO,

Appellant

VS.

DIRECTOR, OHIO DEPARTMENT \_\_\_\_\_ OF JOB AND FAMILY SERVICES,

and

PAINTING TECHNOLOGY, INC.,

Appellees

) IN THE COURT OF COMMON PLEAS ) SS.

CASE NO. CV-11-759079

## FILED 6-25-12

JUDGMENT ENTRY

Janet R. Burnside, J.:

Smorado was denied unemployment benefits as a result of a finding that he

voluntarily quit his employment at Appellee Painting Technology, Inc. (PTI) without just

cause under R.C. 4141.29(D)(2)(a). R.C. 4141.29(D)(2)(a) provides, in pertinent part,

\* \* \* no individual may . . . be paid benefits under the following conditions: For the duration of the individual's unemployment if the Director finds that: The individual quit work without just cause or has been discharged for just cause in connection with the individual's work \* \* \*.

Appellant Smorado brings this administrative appeal under R.C. 4114.282 seeking

relief from that denial.

Appellant on September 1, 2010 filed a claim for unemployment compensation

with the Ohio Department of Job and Family Services (ODJFS). The ODJFS denied

Smorado's claim for benefits after a Determination of Benefits hearing on the basis that

he quit his employment without just cause. Smorado filed a notice of appeal for his denial of benefits to the Unemployment Compensation Review Commission (UCRC) on November 4, 2010.

The UCRC conducted an evidentiary hearing on March 2, 2011 and the hearing officer issued a decision on affirming the ODJFS's original denial of benefits. The hearing officer made these findings of fact:

The claimant (Mr. Smorado) was employed by the employer (PTI) from August of 2003 through August 31, 2010. At the time of the employment separation in question, the claimant was employed as a painter. The claimant quit work for the employer because of his objection to the employer's action to establish and enforce an employee handbook, as well as a non-disclosure and confidentiality agreement. The employer took the action to address its customer's security concerns about sensitive information to which the employer's employees had access. The employer provided advanced notice of the policies, and afforded the claimant the opportunity to consult with his attorney about the matter. The claimant refused to agree to the new policies and guit before the expiration of the time he was given to consult with his attorney.

Following the hearing officer's denial, Appellant filed an internal administrative Request for Review of the decision of the UCRC. On June 22, 2011, a final decision

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Appellant then filed a Notice of Appeal in this Court on July 6, 2011.

After a comprehensive review of the administrative record on Appellant's claim, the Court affirms the decision of the UCRC denying Appellant's claim for unemployment benefits. The standard of review for the Court of Common Pleas in reviewing unemployment compensation appeals is spelled out in R.C. 4141.282(H). A court is to "reverse, vacate, or modify" a decision only when the record shows that the UCRC's decision was "unlawful, unreasonable, or against the manifest weight of the evidence." Ohio case law requires that although "reasonable minds might reach different conclusions" that "is not a basis for the reversal of the Board's (UCRC) decision." *Irvine v. Unemp. Comp. Bd. of Review* (1985), 19 Ohio St.3d 15, 17-18.

This Court finds that the UCRC had a rational factual basis for the conclusion that Appellant was without just cause in quitting his employment with PTI. Of particular weight to the hearing officer was that the appellant's termination of employment came *before* the employer's deadline to sign off on receipt of the new employee handbook and sign the confidentiality agreement. The UCRC record supports the finding that the Appellant did not lack an alternative to quitting employment at the time he walked off the job.

The standard in Ohio for determining whether a claimant's voluntary quitting of his employment is whether there was just cause for quitting. "Just cause... is that which, to an ordinarily intelligent person, is a justifiable reason for doing or not doing a particular act." 19 Ohio St. 3d 15, 16-18.

In light of the whole record, this Court finds that the Commission's decision was not unlawful, unreasonable, or against the manifest weight of the evidence in holding

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that Appellant terminated his employment without a just cause.

The Court hereby affirms the decision of the Unemployment Compensation

Review Commission in denying unemployment compensation benefits to Smorado.

This is a final judgment under R.C. 25025.02.

June 21, 2012

JANET R. BURNSIDE, JUDGE

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