

**IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO**

**GWYNETT TAYLOR,**

**Case No: 12CVF-01-392**

**Appellant,**

**JUDGE HOGAN**

**-vs-**

**OHIO STATE DEPARTMENT OF  
JOB AND FAMILY SERVICES,**

**Appellee.**

**DECISION AND ENTRY**  
**AFFIRMING THE DECISION DISALLOWING REQUEST**  
**FOR REVIEW AS MAILED ON DECEMBER 15, 2011**  
**AND**  
**DECISION AND ENTRY**  
**HOLDING MOOT APPELLEE'S MOTION TO DISMISS AS**  
**FILED ON APRIL 3, 2012**

**HOGAN, JUDGE**

The above-styled case is before the Court on an appeal of the Decision Disallowing Request for Review issued by the Unemployment Compensation Review Commission (hereinafter referred to as Commission) that denied Gwynett Taylor's (hereinafter referred to as Appellant) administrative appeal. The Commission disallowed the Appellant's administrative appeal by its Decision mailed December 15, 2011. In this appeal, the Appellant only named the Ohio Department of Job and Family Services (hereinafter referred to as the Appellee)

Appellant did not file a Brief. Appellee filed a Motion to Dismiss the appeal due to the Appellant's oversight. The Appellant did not respond to Appellee's motion.

After a review of the pleadings, and the certified record, this Court holds that the Commission's Decision Disallowing Request for Review of December 15, 2011 is

**AFFIRMED.** The Appellee's Motion to Dismiss of April 3, 2012 is **MOOT**.

### **I. STATEMENT OF THE CASE**

This appeal arises as a result of the Commission's Decision that denied unemployment compensation benefits to the Appellant.

### **II. STATEMENT OF THE FACTS**

Appellant was employed by Tri County Business Services Inc. When she ended her employment with her former employer she requested benefits. Appellant's employer was a temp agency and the Appellant went from assignment to assignment. (See, Hr. Tr. Page 12, Lines 15 – 26, Page 13, Lines 1 – 4) Her last placement was with Honeywell where she was employed in customer service. (See, Hr. Tr. Page 13, Lines 7 - 14) At the November 1, 2011 hearing she claimed that she left her employment for health reasons. (See, Hr. Tr. Page 13, Lines 15 -17) Then the Appellant claimed she left for personal reasons. (See, Hr. Tr. Page 15, Lines 12 - 15)

The witnesses for Appellant's former employer established that the Appellant left her job at Honeywell without cause. Mr. Boucher testified that the Appellant had called in and stated that she was going to resign and then her employer received a call from Honeywell stating that the Appellant was no longer working there. (See, Hr. Tr. Page 22, Lines 5 -19) Mr. Boucher claimed that the Appellant had not informed her employer of any medical reason for her absence nor had Appellant given any reason for quitting. (See, Hr. Tr. Page 23, Lines 1 – 5)

Ms. White testified that the Appellant did call and give notice but then called again and ended her employment by stating "I need to get stuff done.." (See, Hr. Tr. Page 28, Lines 23 – 26 & Page 31, Lines 18 – 22) Following the hearing the Hearing Officer

rendered her Decision on November 3, 2011. She held that the Appellant had quit her employment without just cause.

After the adverse Decision of November 3, 2011 the Appellant further availed herself of the administrative process and timely appealed the Hearing Officer's Decision to the Commission. On December 15, 2011 the Commission issued its Decision disallowing the Appellant's request. Appellant timely appealed that Decision to this Court and the matter is now ready for review. The Court has conducted a review of the pleadings and the certified record. This appeal is ready for a determination.

### **III. STANDARD OF REVIEW**

R.C. §4141.282(H) sets forth the standard of review that this Court must apply when considering appeals of decisions rendered by the Commission. Please note the following:

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 remand the matter to the commission. Otherwise, the court shall affirm the decision of the commission. R.C. §4141.282(H)

The Ohio Supreme Court stated that “[t]he board’s role as fact finder is intact; a reviewing court may reverse the board’s determination only if it is unlawful, unreasonable, or against the manifest weight of the evidence.” *Tzangas, Plakas & Mannos v. Ohio Bur. Of Emp. Serv.* (1995), 73 Ohio St.3d 694,697. The Hearing Officer and the Commission are primarily responsible for the factual determinations and judging the credibility of the witnesses. *Brown-Brockmeyer Co. v. Roach* (1947), 148 Ohio St. 511; *Angelkovski v. Buckeye Potato Chips* (1983), 11 Ohio App.3d 159,162.

More specifically:

The Commission and its referees are the triers of fact. See *Feldman v. Loeb* (1987), 37 Ohio App.3d 188, 190, 525 N.E.2d 496. Therefore, the common

pleas court acts as an appellate court and is limited to determining whether the Commission's decision was supported by some competent and credible evidence. *Id.* The common pleas court may not substitute its judgment for that of the hearing officer or the board. *Simon v. Lake Geauga Printing Co.*(1982), 69 Ohio St.2d 41, 45, 23 O.O.3d 57, 430 N.E.2d 468.

Hence, this Court will defer to the Hearing Officer's and the Commission's determination of purely factual issues when said issues address the credibility of the witnesses and the weight of the evidence. *Angelkovski v. Buckeye Potato Chips, Id.*, at 162.

From within this framework, this Court will render its decision.

#### **IV. ANALYSIS:**

There is ample evidence in the certified record that supports the Decision of the Commission. Appellant's own testimony supports the fact that the Appellant quit a job that was available to her for her own personal reasons. She neither made nor took any effort to keep the job. She quit without cause. The Commission's Decision of December 15, 2011 is lawful, reasonable, and not against the manifest weight of the evidence, therefore it must be **AFFIRMED**. Appellee's Motion to Dismiss is rendered **MOOT** by this Decision.

#### **V. DECISION:**

The Commission's Decision Disallowing Request for Review of December 15, 2011 is **AFFIRMED**.

#### **THIS IS A FINAL APPEALABLE ORDER**

Copies to:

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Franklin County Court of Common Pleas

**Date:** 07-16-2012  
**Case Title:** GWYNETT TAYLOR -VS- OHIO STATE DEPT JOB FAMILY SERVICES DIRECTOR  
**Case Number:** 12CV000392  
**Type:** DECISION/ENTRY

It Is So Ordered.

A handwritten signature in black ink, appearing to read "D. T. Hogan", is written over a blue circular seal. The seal contains the text "COMMON PLEAS COURT" at the top and "ALL THINGS ARE" at the bottom, with a central emblem.

/s/ Judge Daniel T. Hogan

Court Disposition

Case Number: 12CV000392

Case Style: GWYNETT TAYLOR -VS- OHIO STATE DEPT JOB FAMILY  
SERVICES DIRECTOR

Case Terminated: 10 - Magistrate

Final Appealable Order: Yes

Motion Tie Off Information:

1. Motion CMS Document Id: 12CV0003922012-04-0399980000

Document Title: 04-03-2012-MOTION TO DISMISS

Disposition: MOTION IS MOOT