

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO  
CIVIL DIVISION

TARIA L MEADE et al,

CASE NO.: 2011 CV 04447

Plaintiff(s),

JUDGE GREGORY F. SINGER

-vs-

HOME CARE NETWORK INC.,

Defendant(s).

**ENTRY AND ORDER AFFIRMING THE  
DECISION OF THE UNEMPLOYMENT  
COMPENSATION REVIEW  
COMMISSION**

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This matter is before the Court for decision of Appellants appeal of the decision of the Unemployment Compensation Review Commission which held that the hearing officer's conclusion that Appellant's termination of Taria Meade was without just cause, was appropriate under the facts of this case. This Court agrees with the conclusion of the Review Commission.

Under R.C. 4141.29(D)(2)(a), an individual is eligible for unemployment compensation benefits if the Review Commission determines that he or she was discharged from employment without just cause. The Court's review of the transcript of the hearing indicates that the hearing officer's conclusions were made upon facts reasonably supporting them adduced at hearing.

Because this Court has no authority to substitute its own judgment for that of the officer conducting the hearing to the extent that the administrative decision was not unlawful, unreasonable nor against the manifest weight of the evidence, and there being no indication from

the record except that the decision is lawful, reasonable and supported by evidence, the decision of the Review Commission, must be, and hereby is, affirmed. See, R. C. 4141.282; *Tzangas, Plakas & Mannos v. Adm.*, 73 Ohio St. 3d 694 . (1995).

The Court specifically notes that the hearing officer, under this testimony, might have found by the evidence after listening to it that the employee's deficient scheduling work resulted from a significant increase in her job responsibilities three months following her date of hire, and two months prior to her discharge, by reason both being assigned scheduling for the Dayton office—which already had a backlog to work through—and by reason of the increased assignment of payroll, by that time. The officer might easily have believed Ms. Meade's testimony that these added tasks might have reduced her time to dedicate to scheduling by one half, and in turn found no wrongdoing or fault in the employee's performance, but that she was simply incapable of performing what amounted to a newly created position requiring more capability than that for which she was originally hired. Conversely, the facts adduced at hearing are also capable of supporting a finding that any deficiency in appellee's job performance was not the result of malingering, disinterest or purposeful misfeasance.

Accordingly, the decision of the Unemployment Compensation Review Commission is **AFFIRMED**.

**THIS IS A FINAL APPEALABLE ORDER, AND THERE IS NO JUST REASON FOR DELAY FOR PURPOSES OF OHIO RULE OF CIVIL PROCEDURE 54. PURSUANT TO OHIO APPEALATE RULE 4, THE PARTIES SHALL FILE A NOTICE OF APPEAL WITHIN THIRTY (30) DAYS.**

SO ORDERED:

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JUDGE GREGORY F. SINGER

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General Division  
Montgomery County Common Pleas Court  
41 N. Perry Street, Dayton, Ohio 45422

**Case Title:** TARIA L MEADE vs HOME CARE NETWORK INC.

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**Type:** Order:

So Ordered

Gregory F. Singer