

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

RANDALL CRIGGER,

CASE NO.: 2012 CV 02345

Appellant(s),

JUDGE BARBARA P. GORMAN

-vs-

STATE OF OHIO UNEMPLOYMENT  
COMPENSATION REVIEW COMMISSION et al,

**DECISION, ORDER AND ENTRY  
DENYING APPELLANT'S  
ADMINISTRATIVE APPEAL OF THE  
DECISION OF THE OHIO  
UNEMPLOYMENT REVIEW  
COMMISSION AND OVERRULING  
PLAINTIFF'S MOTION TO POSTPONE  
BRIEF**

Appellee(s).

This matter is before the Court on the *Notice of Appeal* filed by Appellant Randall Crigger. Appellee Ohio Unemployment Compensation Review Commission filed its *Motion to Dismiss for Failure to Timely Appeal and Failure to Name Statutory Party*. Plaintiff filed a *Motion to Postpone Brief*. This matter is properly before the Court.

**I. FACTS**

Appellant Randall Crigger ("Appellant") claims that he was laid off on February 22, 2010. His appeal requests review of the decision of Appellee Ohio Unemployment Review Commission ("Appellant") to not review a Redetermination issued by the Ohio Department of Jobs and Family Services ("ODJFS"). Although Appellee's Notice of Appeal is not clear, it appear that the Redetermination was that Appellee had been overcompensated in his unemployment benefits and needed to repay an amount to ODJFS.

Appellee's decision disallowing review was issued on August 11, 2011. Appellant filed his notice of appeal with this Court on March 28, 2012. Appellant did not name ODJFS as a party.

## II. LAW & ANALYSIS

O.R.C. Section 4141.282(A) states:

Any interested party, within thirty days after written notice of the final decision of the unemployment compensation review commission was sent to all interested parties, may appeal the decision of the commission to the court of common pleas.

As set forth above, Appellee's written decision disallowing review was issued on August 11, 2011. Thus, Appellant's statutory period for appeal terminated on September 9, 2011. Appellant did not appeal the decision with this Court until March 28, 2012. Accordingly, this Court lacks subject matter jurisdiction over Appellant's appeal and it must be dismissed as untimely.

Further, Appellant failed to name ODJFS as a party to the appeal. Under O.R.C. Section 4141.282(D), "[t]he director of job and family services is always an interested party and shall be named as an appellee in the notice of appeal.

As set forth above, Appellant's notice of appeal was untimely. Accordingly, Appellant cannot cure any defect in his pleading. Appellant's appeal from the decision of Appellee issued on August 11, 2011 must be dismissed for lack of subject matter jurisdiction.

Likewise, the Court overrules Appellant's request to extend the time for him to file a brief as he cannot cure the fact that his original notice of appeal is untimely.

## III. CONCLUSION

Accordingly, the *Notice of Appeal* filed by Appellant Randall Crigger Inc. is hereby DENIED for lack of subject matter jurisdiction. Plaintiff's *Motion to Postpone Brief* is hereby OVERRULED.

This is a final appealable order, and there is not just cause for delay for purposes of Ohio Civ. R. 54. Therefore, the time for prosecution and appeal to the Second District Court of Appeals must be computed from the date upon which this decision and entry is filed.

The above captioned case is ordered terminated upon the records of the Common Pleas Court of Montgomery County, Ohio.

Appellee's costs are to be paid by Appellant.

SO ORDERED:

BARBARA P. GORMAN, JUDGE

**TO THE CLERK OF COURTS:**

**Please serve the attorney for each party and each party not represented by counsel with Notice of Judgment and its date of entry upon the journal.**

BARBARA P. GORMAN, JUDGE

Copies of this Order were sent today by ordinary mail to all persons listed below.

Randall Crigger  
2456 Forest Home Ave.  
Dayton, OH 45404

The following persons were notified of the foregoing through the electroinc notification system of the Clerk of Courts:

Robin Jarvis

Phyllis Treat Bailiff (937) 225-4392 [treatp@montcourt.org](mailto:treatp@montcourt.org)



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

**Case Title:** RANDALL CRIGGER vs OHIO UNEMPLOYMENT  
COMPENSATION REVIEW COMMISSION  
**Case Number:** 2012 CV 02345  
**Type:** Decision

So Ordered

A handwritten signature in black ink that reads "Barbara P. Gorman".

Barbara P. Gorman

**IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO  
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RANDALL CRIGGER  
VS.  
OHIO UNEMPLOYMENT  
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COMMISSION et al

CASE NO. 2012 CV 02345  
JUDGE BARBARA P. GORMAN

You are hereby notified that a Decision has been filed with the Clerk of Common Pleas Court on 10/29/2012

Pursuant to Ohio Civil Rule 58 (B) you are notified that a judgment has been filed that may be a final appealable order.

Under Ohio Appellate Rule 4(A) you shall file your notice of appeal within either:

- 30 days from the entry of judgment or order being appealed OR
- 30 days of service of the notice of judgment and its entry if service was not made within the 3 day period in Ohio Civil Rule 58 (B).

If you intend to appeal the judgment of the trial court, you must file your notice of appeal with the clerk of the trial court. Please refer to 2nd District Court of Appeals Local Appellate Rule 2 concerning the \$100 deposit. Please refer to Ohio Appellate Rule 3 (D) for a detailed description of the content of the notice of appeal.

Appellate Rules Online:

Ohio: [www.sconet.state.oh.us/LegalResources/Rules](http://www.sconet.state.oh.us/LegalResources/Rules)

Local: [www.mcohio.org/SecondDistrictAppeals/rules.cfm](http://www.mcohio.org/SecondDistrictAppeals/rules.cfm)

You may reference the case and view the document online at  
[www.clerk.co.montgomery.oh.us/pro](http://www.clerk.co.montgomery.oh.us/pro)