

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO



Panteha BAGHANI)

Case No. 748884

Appellant)

JOURNAL ENTRY AND OPINON

v.)

Unemployment Compensation)

Review Commission, et al.)

Appellees)

SYNENBERG, J.:

I. INTRODUCTION

This cause came on for consideration upon Brief of Claimant-Appellant Panteha Baghani ("Claimant") and Briefs of Appellees Director, Ohio Department of Job and Family Services and Philip Eichorn Co., LPA. After reviewing the decision of the Hearing Officer, finding that Claimant was discharged for just cause in connection with work, this Court finds that the Hearing Officer's decision was not unlawful, unreasonable or against the manifest weight of the evidence. The Hearing Officer's decision is affirmed.

II. LAW AND ANALYSIS

**A. Standard of Reivew for Appeals to the Common Pleas Court from Decisions of
the Unemployment Compensation Commission**

On appeal to the court of common pleas, the standard of review in unemployment compensation benefits case is stated in R.C. 4141.282(H) which provides:

The court shall hear the appeal upon receipt of 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.

The reviewing court's authority to review the Review Commission's decision is strictly limited. The reviewing court must defer to the hearing officer and the Review Commission regarding factual determinations. Brown-Brockmeyer Co. v. Roach, 148 Ohio St. 511 (1947); Irvine v. Unemploy. Comp. Bd. of Review, 19 Ohio St.2d 15 (1985). Reviewing courts may not substitute its judgment for that of the Review Commission and the hearing officer. Simon v. Lake Geauga Printing Co., 69 Ohio St.2d 41 (1982).

A decision, if supported by some competent, credible evidence, shall not be reversed by the reviewing court as being against the manifest weight of the evidence. Angelkovski v. Buckeye Potato Chips Co., 11 Ohio App. 3d 159 (1983). The reviewing court must determine whether the decision is supported by this evidence and not to conduct a trial de novo. Kilgore v. Bd. of Review, 2 Ohio App. 2d 69 (1965).

B. Competent, Credible Evidence in the Record Supports the Review Commission's Decision

Pursuant to R.C. 4141.29(D)(2)(a) a claimant must satisfy the statutory requirements to qualify for unemployment benefits. R.C. 4141.29(D)(2)(a) provides:

(D) Notwithstanding division (A) of this section, no individual may serve a waiting period or be paid benefits under the following conditions:

(2) For the duration of his unemployment if the director finds that:

(a) The individual quit work without just cause or has been discharged for just cause in connection with the individual's work.

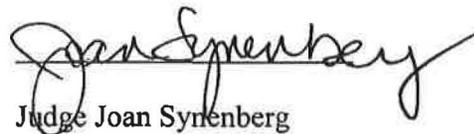
In the instant matter, the Review Commission found that Claimant was discharged for neglect of her job duties and for misuse of company equipment. The Review Commission found that the evidence and testimony presented established that Claimant failed to properly compile records for billable hours as required, used her laptop to repeatedly surf non-business related websites, used her company issued laptop for personal purposes including pursuing other employment, and failed to maintain the security of client documents.

The Review Commission, therefore, found that Claimant's actions constituted fault and that she was discharged for just cause in connection with work.

CONCLUSION

After reviewing the decision of the Hearing Officer, finding that Claimant was discharged for just cause in connection with work, this Court finds that the Hearing Officer's decision was not unlawful, unreasonable or against the manifest weight of the evidence. The Hearing Officer's decision is affirmed.

SO ORDERED. NO JUST CAUSE FOR DELAY.


Judge Joan Synenberg

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By  Deputy