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

LOIS A RACKMILL
Plaintiff

DURHAM PUBLIC SCHOOLS
Defendant

Case No: CV-12-786409

Judge: MICHAEL J RUSSO

JOURNAL ENTRY

89 DIS. W/ PREJ - FINAL

MOTION TO DISMISS BY PRESUMPTIVE APPELLEE DIRECTOR. OHIO DEPARTMENT OF JOB AND FAMILY SERVICES. IS UNOPPOSED AND WELL-TAKEN, AND IS HEREBY GRANTED. IT SHOULD BE NOTED THAT IN THIS MATTER, APPELLANT LOIS RACKMILL HAS FILED A NOTICE OF APPEAL OF A DISMISSAL NOTICE FROM THE UNEMPLOYMENT REVIEW COMMISSION DATED 6/12/12. HER UNEMPLOYMENT COMPENSATION APPEAL WAS DISMISSED FOR FAILURE TO ATTEND A TELEPHONIC HEARING ON 6/12/12. THE NOTICE OF DISMISSAL STATES THAT APPELLANT IS PERMITTED TO SHOW GOOD CAUSE FOR HER FAILURE TO APPEAR AT THE HEARING AND REQUEST THAT THE DISMISSAL BE VACATED. APPELLANT NOTIFIED THE REVIEW COMMISSION SHE WAS UNABLE TO ATTEND THE HEARING DUE TO HER SON'S DENTAL EMERGENCY, BUT HER REQUEST TO VACATE WAS DENIED. APPELLANT WAS THEN SENT "NOTICE DENYING VACATE OF DISMISSAL OF APPEAL" DATED 6/14/12. THE NOTICE STATED THAT APPELLANT COULD REQUEST A SHOW CAUSE HEARING BY 6/25/12. INSTEAD OF REQUESTING A SHOW CAUSE HEARING, THE APPELLANT FILED THE INSTANT APPEAL. R.C. 4141.282(A) PROVIDES A RIGHT TO APPEAL A "FINAL DECISION" OF THE UNEMPLOYMENT REVIEW COMMISSION TO THE COURT OF COMMON PLEAS. THE DISMISSAL NOTICE ATTACHED TO APPELLANT'S NOTICE OF APPEAL IS NOT A "FINAL DECISION" WITHIN THE MEANING OF THE STATUTE. SEE SIGLER V. OHIO DEPT. OF JOB & FAMILY SERV., 6TH DIST. NO. L-05-1016, 2005-OHIO-4874. SIMPLY PUT, APPELLANT HAS FAILED TO EXHAUST HER ADMINISTRATIVE REMEDIES. AS APPELLANT HAS NOT APPEALED A FINAL DECISION OF THE UNEMPLOYMENT COMPENSATION REVIEW COMMISSION, THIS COURT LACKS SUBJECT MATTER JURISDICTION AND MUST DISMISS THIS APPEAL.
COURT COST ASSESSED TO THE PLAINTIFF(S).

Judge Signature

12/19/2012