

COPY

**LORAIN COUNTY COURT OF COMMON PLEAS
LORAIN COUNTY, OHIO**

**RON NABAKOWSKI, Clerk
JOURNAL ENTRY
James L Miraldi, Judge**

Date 06/13/13

Case No. 12CV178544

DANIEL M ENGLISH
Plaintiff

PRO SE
Plaintiff's
Attorney

VS

OHIO UNEMPLOYMENT
COMPENSATION REVIEW COMM
Defendant

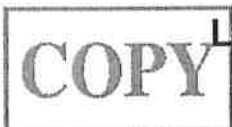
PATRICK MACQUEENEY
Defendant's
Attorney

It is the finding of this Court that the decision of the Board of Review is not unlawful, unreasonable, or against the manifest weight of the evidence. The Decision of the Unemployment Compensation Board of Review is affirmed. See Journal. Costs to Appellant English.


James L Miraldi, Judge

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**To The Clerk: THIS IS A FINAL APPEALABLE ORDER
Please serve upon all parties not in default for failure to appear;
Notice of the Judgment and it's date of entry upon the Journal**



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This matter came before the court upon Appellant Daniel English's appeal of the Unemployment Compensation Board of Review's decision that claimant was discharged by Walmart for just cause in connection with work.

A reviewing court may reverse the Review Board's determination only if it is unlawful, unreasonable, or against the manifest weight of the evidence. R.C. 4141.282(H). Otherwise, the court must affirm the decision of the commission. A reviewing court must determine if the evidence in the record supports the board's decision. *Tzangas, Plakas & Manos v. Ohio Bur. Of Emp. Serv.*, 73 Ohio St. 3d 694, 653 N.E.2d 1207 (1995).

At the hearing on Mr. English's claim for benefits, the employer testified that Claimant was coming back from lunch late, was manually clocking in and then changed the time to show that he had clocked in earlier on three different occasions. Employer Walmart considered this to be time fraud and terminated him. Walmart's employee manual states that the integrity of timekeeping for payroll purposes is important and that falsification is prohibited. Mr. English testified that he explained why he did the changes on his time and that it was not intended to be fraudulent.

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The hearing officer determined that Claimant English adjusted his return time from lunch electronically on June 8, 2012, June 12, 2012 and June 13, 2012. Because of the multiple adjustments, the assistant store manager reviewed claimant's return times on the camera at the store entrance. The three changes amounted to a discrepancy of 83 minutes. The hearing officer further determined that claimant's testimony that the discrepancy was simply mistakes and he did not willfully defraud the company lacked credibility.

It is the finding of this Court that the decision of the Board of Review is not unlawful, unreasonable, or against the manifest weight of the evidence. The Decision of the Unemployment Compensation Board of Review is affirmed. Costs to Appellant English.


James L. Miraldi, Judge

**LORAIN COUNTY COURT OF COMMON PLEAS
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