

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO  
GENERAL DIVISION

KEVIN E. HEINE,	]	CASE NO. 13CV-09734
Appellant,	]	JUDGE MCINTOSH
vs.	]	
OHIO UNEMPLOYMENT COMPENSATION REVIEW COMMISSION,	]	
Appellee.	]	

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**DECISION AND JUDGMENT ENTRY GRANTING “MOTION TO DISMISS BY  
DIRECTOR OF THE OHIO DEPARTMENT OF JOB AND FAMILY  
SERVICES,” FILED SEPTEMBER 23, 2013**

MCINTOSH, J.

This case is a Revised Code 4141.282 administrative appeal, by Kevin E. Heine (Appellant), from a “Decision Disallowing Request for Review” that the Ohio Unemployment Compensation Review Commission (Commission) mailed to Appellant on July 31, 2013. In that Decision, the Commission disallowed Appellant’s request for further review of the denial of his application for unemployment compensation benefits. In that Decision, the Commission advised Appellant:

An appeal from this decision may be filed to the Court of Common Pleas of the county where the appellant, if an employee, is resident or was last employed \*\*\*, within thirty (30) days from the date of mailing of this decision, as set forth in Section 4141.282, Revised Code of Ohio. **The appellant must name all interested parties as appellees in the notice of appeal, including the Director of the Department of Job and Family Services.** (Emphasis added.)

In the Decision, the Commission identified Appellant’s employer, De Capua Enterprises, as an interested party.

Revised Code 4141.282, which governs this appeal, provides:

§ 4141.282. Appeal to court

APPEAL TO COURT

(A) THIRTY-DAY DEADLINE FOR APPEAL

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.

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(D) INTERESTED PARTIES

The commission shall provide on its final decision the names and addresses of all interested parties. **The appellant shall name all interested parties as appellees in the notice of appeal. The director of job and family services is always an interested party and shall be named as an appellee in the notice of appeal.** (Emphasis added.)

On August 30, 2013, Appellant filed a notice of appeal with this Court. In the notice of appeal, Appellant identified only himself and the Commission as parties to the appeal. Appellant did not identify his employer, De Capua Enterprises, Inc., or the Director of the Ohio Department of Job and Family Services (ODJFS) as appellees.

On September 23, 2013, the Director of ODJFS moved the Court to dismiss this appeal on the grounds that Appellant failed to name his employer or the Director as appellees, in violation of R.C. 4141.282(D). Appellant has opposed the motion to dismiss. The motion to dismiss must be granted, however.

The failure to name all interested parties in the notice of appeal, including the Director of ODJFS, as required by R.C. 4141.282(D), deprives a common pleas court of subject-matter jurisdiction over an unemployment-compensation appeal. *Mattice v. Ohio Dept. of Job and Family Servs.*, 2nd Dist. No. 25718, 2013-Ohio-3941, ¶11; *Luton v. Ohio Unemp. Comp. Review*

*Comm.*, 8th Dist. No. 97996, 2012-Ohio-3963, ¶19; *Sydenstricker v. Donato's Pizzeria, LLC*, 11th Dist. No. 2009-L-149, 2010-Ohio-2953, ¶22.

Where a statute confers the right of appeal, an appeal may be perfected only in the manner prescribed by statute. *Village of Hills & Dales v. Ohio Dept. of Edn.*, 10th Dist. No. 06AP-1249, 2007-Ohio-5156, ¶19, discretionary appeal not allowed, 2008-Ohio-969. A party must strictly adhere to the filing requirements in order to perfect an appeal and invoke the jurisdiction of the court of common pleas. *CHS-Windsor, Inc. v. Ohio Dept. of Job and Family Servs.*, 10th Dist. No. 05AP-909, 2006-Ohio-2446, ¶6. By failing to strictly adhere to the filing requirements of R.C. 4141.282(D), Appellant has failed to invoke the jurisdiction of this Court. As a party, Appellant is held to the same rules, procedures, and standards as those litigants represented by counsel and therefore must accept the results of his own mistakes and errors. *Discover Bank v. Doran*, 10th Dist. No. 10AP-496, 2011-Ohio-205, ¶6.

Accordingly, the “Motion to Dismiss by Director of the Ohio Department of Job and Family Services” filed on September 23, 2013 is hereby **GRANTED**. This case is **DISMISSED** for lack of subject-matter jurisdiction.

This is a final, appealable Order. Costs to Appellant. Pursuant to Civ. R. 58, the Franklin County Clerk of Courts shall serve notice of this judgment and its date of entry upon all parties.

It is so **ORDERED**.

Copies to:

KEVIN E. HEINE, Appellant *Pro Se*

ALAN SCHWEPE, AAG (0012676), Counsel for Director, Ohio Department of Job and Family Services

Franklin County Court of Common Pleas

**Date:** 11-13-2013  
**Case Title:** KEVIN E HEINE -VS- UNEMPLOYMENT COMP REVIEW  
COMMISSION  
**Case Number:** 13CV009734  
**Type:** DECISION/ENTRY

It Is So Ordered.

A handwritten signature in black ink, which appears to read "Stephen L. McIntosh", is written over a blue circular official seal. The seal contains the text "COMMON PLEAS COURT" at the top, "FRANKLIN COUNTY, OHIO" in the center, and "ALL THINGS ARE POSSIBLE" at the bottom.

/s/ Judge Stephen L. McIntosh

Court Disposition

Case Number: 13CV009734

Case Style: KEVIN E HEINE -VS- UNEMPLOYMENT COMP  
REVIEW COMMISSION

Case Terminated: 18 - Other Terminations

Final Appealable Order: Yes

Motion Tie Off Information:

1. Motion CMS Document Id: 13CV0097342013-09-2799980000  
Document Title: 09-27-2013-MOTION TO ADD PARTY  
Disposition: MOTION IS MOOT
2. Motion CMS Document Id: 13CV0097342013-09-2399960000  
Document Title: 09-23-2013-MOTION TO DISMISS  
Disposition: MOTION GRANTED