

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

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TIMOTHY B. JAMES,

Appellant,

vs.

DIRECTOR, OHIO DEPARTMENT
OF JOB AND FAMILY SERVICES

and

FEDERAL EXPRESS CORPORATION,

Appellees.

CASE NO. CV-13-803315


JUDGE MICHAEL P. DONNELLY

FINAL JUDGMENT ENTRY OF REMAND

This case came on for consideration as a statutory unemployment appeal that was filed by Appellant, Timothy James (James), under R.C. 4141.282. James appeals from the final *Decision* of the Unemployment Compensation Review Commission (UCRC) dated March 6, 2013 that dismissed his appeal of an adverse *ODJFS Redetermination of Benefits* dated July 23, 2012 on the basis that his appeal was untimely filed under R.C. 4141.281(B) and R.C. 4141.281(D)(9). For the record, the *ODJFS Redetermination of Benefits* dated July 23, 2012 denied the unemployment claim of James on the basis that he was discharged from his employment by Appellee, Federal Express Corporation, for just cause under R.C. 4141.29(D)(2)(a).

Accordingly, after due consideration of the evidence in the certified record, the Court hereby ORDERS that this case be REMANDED to the UCRC pursuant to R.C. 4141.282(H) for an in-person *de novo* evidentiary hearing to be held by the UCRC in the claim under R.C. 4141.281 on the sole issue of whether James was discharged by Appellee, Federal Express Corporation, for just cause under R.C. 4141.29(D)(2)(a). Costs to Appellant.

SEP 19 2013

CUYAHOGA COUNTY
CLERK OF COURTS
By  Deputy


JUDGE MICHAEL P. DONNELLY

NOTICE TO THE CLERK OF COURTS

Pursuant to Civ. R. 58(B), the Clerk of Courts shall serve notice of this *Final Judgment Entry* and its date of entry on the Journal upon all parties and/or counsel of record.