

IN THE COURT OF COMMON PLEAS OF FRANKLIN COUNTY, OHIO

EUNICE ELAINE JONES,	:
	:
Appellant,	:
vs.	:
	:
OHIO UNEMPLOYMENT	:
COMPENSATION REVIEW	:
COMMISSION, <i>et al.</i>,	:
	:
Appellees.	:

DECISION AND ENTRY

GRANTING APPELLEE’S MOTION TO DISMISS
AS FILED ON JULY 11, 2013

The above-styled case is before the Court on an appeal filed by Appellant Jones. On July 11, 2013 the Director of the Ohio Department of Job and Family Services (“ODJFS”) filed Motion to Dismiss. Appellant filed no response. For the reasons that follow, Appellee’s Motion to Dismiss is **GRANTED.**

Appellant filed to secure unemployment compensation, and after a hearing, her claim was denied. Appellant timely objected to the Hearing Officer’s Decision. On May 1, 2013 the Unemployment Compensation Review Commission mailed its Decision Disallowing Request for Review.

For the purposes of this Court’s resolution of the matter, there are no facts in dispute. The Appellant filed her Notice of Appeal on May 16, 2013. Appellant appealed the Decision Disallowing Request for Review, as mailed on May 1, 2013. When Appellant filed her Notice of Appeal with this Court, she did not name the Director of ODJFS.

Appellant filed a Notice of Appeal with this Court. Appellee ODJFS asserts that her failure to name the Director is a jurisdictional defect in the pleading.

This Court reviewed the May 1, 2013 Decision Disallowing Request for Review. The Decision contained the following language:¹

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, or of the county where the appellant, if an employer, is resident or has the principal place of business in this state, 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.

Said Decision also contained the address of the interested parties, including naming the Director of ODJFS with a mailing address.

Time and time again the courts of Ohio have indicated that strict compliance with R.C. 4141.282 is necessary in order for a party to perfect an appeal to this Court. The Supreme Court has held that an appeal “can be perfected only in the mode prescribed by statute.” *Luton v. State of Ohio Unemployment Revision Commission*, 8th Dist No. 97996, 2012-Ohio-3963, 2012 Ohio App. LEXIS 3494, ¶¶6-9, quoting *Zier v. Bur. of Unemp. Comp.*, 151 Ohio St. 123, 84 N.E.2d 746 (1949), paragraph one of the syllabus. “[C]ompliance with the[] specific and mandatory requirements governing the filing of such notice is essential to invoke the jurisdiction of a Court of Common Pleas.” *Id.*, quoting *Zier* at paragraph two of the syllabus. “Subject matter jurisdiction connotes the power to hear and decide a case upon its merits.” *Althof v. State*, 4th Dist No. 04CA16, 2006-Ohio-502, 2006 Ohio App. LEXIS 433, ¶7.

The pertinent portion of R.C. 4141.282, the statute governing the appeal process involved herein, states as follows:

(D) 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.

It is clear that Appellant failed to name the Director of the ODJFS within her Notice of Appeal as mandated by the language of R.C. 4141.282(D). The Court notes that the May 1, 2013

¹ The following text is a ‘copy image’ taken from the Decision as found on page 188 of the scanned and filed certified record.

Decision Disallowing Request for Review provided Appellant with notice that inclusion of the Director of ODJFS was required if she was going to successfully appeal the Decision and thereby vest jurisdiction with this Court. Appellant either failed to comply with or understand the instructions. Appellant also failed to file any response to Appellee's Motion to Dismiss.

While the result may be harsh, Appellant's Notice of Appeal did not comply with the strict rule of the statute and therefore, this Court does not have jurisdiction to review the matter. Appellant's appeal is hereby **DISMISSED** for lack of jurisdiction.

THIS IS A FINAL APPEALABLE ORDER.

IT IS SO ORDERED.

JUDGE TIMOTHY S. HORTON

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Franklin County Court of Common Pleas

Date: 11-20-2013
Case Title: EUNICE ELAINE JONES -VS- OHIO STATE UNEMPLOYMENT
COMPENSATION REV ET AL
Case Number: 13CV005464
Type: DECISION/ENTRY

It Is So Ordered.

A blue circular seal of the Franklin County Court of Common Pleas, Ohio, is centered on the page. The seal contains the text "FRANKLIN COUNTY COURT OF COMMON PLEAS OHIO" around the perimeter and "ALL THINGS ARE POSSIBLE" at the bottom. Overlaid on the seal is a handwritten signature in black ink that reads "Timothy S. Horton".

/s/ Judge Timothy S. Horton

Court Disposition

Case Number: 13CV005464

Case Style: EUNICE ELAINE JONES -VS- OHIO STATE
UNEMPLOYMENT COMPENSATION REV ET AL

Case Terminated: 08 - Dismissal with/without prejudice

Final Appealable Order: Yes

Motion Tie Off Information:

1. Motion CMS Document Id: 13CV0054642013-07-1199980000

Document Title: 07-11-2013-MOTION TO DISMISS

Disposition: MOTION GRANTED