

SCANNED

IN COMPUTER

IN THE COURT OF COMMON PLEAS, FAIRFIELD COUNTY, OHIO

ZACHARY T. YOUNG, ^{2018 OCT 25 PM 2:35} Case No. 09 CV 1687

Appellant,

DEBORAH S. ALLEY
CLERK OF COURTS
FAIRFIELD COUNTY, OHIO

B

v.

JUDGE RICHARD E. BERENS

TS TRIM INDUSTRIES, INC., ET AL.,

Appellees.

ENTRY

CV 14718-180-182

This matter comes before the court on appeal from a decision of the Unemployment Compensation Review Commission [Commission] which held that Appellant, Zachary Young had been discharged from his employment with TS Trim Industries, Inc. for just cause. In so finding, the Commission further determined that Appellant was ineligible to receive unemployment compensation benefits.

Although Appellants claim for unemployment compensation was originally allowed by the Ohio Department of Job and Family Services [ODJFS], the employer appealed. ODJFS transferred jurisdiction to the Commission. The hearing officer reversed the decision of the ODJFS. It is from this decision that the present appeal is taken. Appellant and Appellee ODJFS filed their respective briefs and the matter is now before the court for decision.

R.C. 4141.282 allows for appeals to this court from a decision of the Commission concerning the granting or denial of unemployment compensation benefits. R.C. 4141.282 provides, in pertinent part:

"[A] 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.

"(H) The court shall hear the appeal on the certified record provided by the commission. If the court finds that the decision of the commission was unlawful, unreasonable, or against the manifest weight of the evidence, it shall reverse, vacate, or modify the decision, or remand the matter to the commission. Otherwise, the court shall affirm the decision of the commission "

R.C. 4141.282 governs appeals from decisions of the Unemployment Compensation Board of Review. The statute provides if the court finds a decision is unlawful, unreasonable, or against the manifest weight of the evidence, it shall reverse, vacate, or modify the decision, or it may remand the matter to the Commission. *Stark Area Regional Transit Auth. v. Ohio Dept. of Job & Family Servs.* (May 10, 2010), Stark App. No. 2009-CA-00147, 2010-Ohio-2142. All reviewing courts have the same obligation: "to determine whether the board's decision is supported by the evidence in the record," without substituting its own findings of fact or determinations regarding the credibility of witnesses for those of the board. *Tzangas, Plakas & Mannos v. Ohio Bur. of Emp. Serv.* (1995), 73 Ohio St.3d 694. See, also, *Irvine v. Unemployment Compensation Board of Review* (1985), 19 Ohio St.3d 15. The board's role as factfinder is intact; a reviewing court may reverse the board's determination only if it is unlawful, unreasonable, or against the manifest weight of the evidence. *Id.*, 73 Ohio St.3d at 697. No reviewing court may substitute its judgment for that of the agency's. *Dudukovich v. Lorain Metropolitan Housing Authority* (1979), 58 Ohio St.2d 202.

In reviewing the entire record and the briefs of the parties, and applying the standard of review as set forth in R.C. 4141.282 and *Tzangas, Irvine* and *Dudukovich*, supra, the court finds that the Review Commission's decision finding that Appellant, Zachary Young had been discharged from his employment with TS Trim Industries, Inc. for just cause and that Appellant was ineligible to receive unemployment compensation

benefits, was not unlawful, unreasonable, or against the manifest weight of the evidence. Thus, this court may not substitute its judgment for that of the Reviewing Commission.

Upon consideration, therefore, the decision of the Unemployment Compensation Review Commission is hereby **AFFIRMED**. Appellant's request for oral argument is **DENIED**. This is a final appealable order.

Costs to Appellant.

It is so **ORDERED**.

XC:

ZACHARY T. YOUNG
172 SKYLINE DRIVE
LANCASTER, OHIO 43130

YOLANDA C VORYS
CHRIS J NORTH
52 E GAY ST
COLUMBUS, OH 43216-1008

PATRIA HOSKINS
140 EAST TOWN STREET
15TH FLOOR
COLUMBUS, OH 43215


JUDGE RICHARD E. BERENS

The Court hereby **ORDER**
the Clerk to serve notice of this
Entry pursuant to Civil Rule 5
upon all parties not in default