

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

ELIZABETH H. SCHROCK,]	CASE NO. 13CV-10352
Appellant,]	JUDGE MCINTOSH
vs.]	
OHIO UNEMPLOYMENT COMPENSATION REVIEW COMMISSION,]	
Appellee.]	

**DECISION AND JUDGMENT ENTRY GRANTING “MOTION TO DISMISS BY
DIRECTOR, OHIO DEPARTMENT OF JOB AND FAMILY SERVICES.”
FILED OCTOBER 7, 2013**

NOTICE OF FINAL APPEALABLE ORDER

MCINTOSH, J.

This case is a Revised Code 4141.282 administrative appeal by Elizabeth H. Schrock (Appellant) from a “Decision Disallowing Request for Review” that the Ohio Unemployment Compensation Review Commission (Commission) mailed to Appellant on August 14, 2013. The Director of the Ohio Department of Job and Family Services (ODJFS) has moved the Court to dismiss this appeal for lack of subject-matter jurisdiction. Appellant has not opposed the motion. For the following reasons, the motion must be granted.

In a Decision issued on July 1, 2013, a Hearing Officer employed by the Commission disallowed Appellant’s application for unemployment-compensation benefits, having determined that Appellant was discharged from her employment for just cause in connection with work. Appellant requested further review of the Hearing Officer’s Decision by the Commission.

On August 14, 2013, the Commission mailed a “Decision Disallowing Request for Review” to Appellant, in which the Commission disallowed Appellant’s request for further review of the Hearing Officer’s Decision. In that Decision, the Commission notified 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, 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.**

If your appeal is filed more than thirty (30) days from the date of mailing, then you may ask the Court of Common Pleas to determine the timeliness of your appeal. The court may find the appeal to be timely if you did not receive this decision within thirty (30) days after it was mailed to you. *** (Emphasis added.)

In the Decision, the Commission identified Appellant’s employer, JP Morgan Chase Bank National Association, as an interested party.

Revised Code 4141.282 provides:

(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.

(C) PERFECTING THE APPEAL

The **timely** filing of the notice of appeal shall be the only act required to perfect the appeal and vest jurisdiction in the court. The notice of appeal shall identify the decision appealed from.

(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.)

Pursuant to R.C. 4141.282 (A), Appellant had until September 13, 2013 to appeal the Commission's August 14, 2013 Decision to this Court. Appellant did not file her notice of appeal until September 17, 2013, four days late. Although Appellant had the opportunity to ask the Court to determine the timeliness of her appeal, she did not do so. Appellant's appeal was not timely and, therefore, pursuant to R.C. 4141.282(C), the appeal was not perfected and jurisdiction was not vested in this Court.

Pursuant to R.C. 4141.282(D), Appellant was obligated to name all interested parties, including the Director of ODJFS, as appellees in the notice of appeal. In Appellant's notice of appeal, she did not name the Director as an appellee, nor did she name her employer, JP Morgan Chase Bank National Association, as an appellee.

The Director of ODJFS has moved the Court to dismiss this appeal upon two independent grounds: (1) Appellant failed to file her notice of appeal within the thirty-day deadline imposed by R.C. 4141.282(A); and (2) Appellant failed to name her employer or the Director as appellees, in violation of R.C. 4141.282(D).

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. 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. A trial court properly dismisses an appeal for unemployment-compensation benefits for lack of subject-matter jurisdiction where the appellant fails to name the Director in the notice of appeal, because R.C. 4141.282(D) expressly provides that the Director is an interested party who must be named in the notice of appeal. *Dikong v. Ohio Supports, Inc.*, 1st Dist. No. C-120057, 2013-Ohio-33, syllabus.

By failing to strictly adhere to the filing requirements of R.C. 4141.282, Appellant has failed to invoke the jurisdiction of this Court. As a pro se party, Appellant is held to the same rules, procedures, and standards as those litigants represented by counsel and therefore must accept the results of her own mistakes and errors. *Discover Bank v. Doran*, 10th Dist. No. 10AP-496, 2011-Ohio-205, ¶6.

Accordingly, the “Motion to Dismiss by Director, Ohio Department of Job and Family Services” filed on October 7, 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:

ELIZABETH H. SCHROCK, Appellant *Pro Se*

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

Franklin County Court of Common Pleas

Date: 11-25-2013

Case Title: ELIZABETH SCHROCK -VS- JP MORGAN CHASE BANK ET AL

Case Number: 13CV010352

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: 13CV010352

Case Style: ELIZABETH SCHROCK -VS- JP MORGAN CHASE
BANK ET AL

Case Terminated: 18 - Other Terminations

Final Appealable Order: Yes

Motion Tie Off Information:

1. Motion CMS Document Id: 13CV0103522013-10-0799970000
Document Title: 10-07-2013-MOTION TO DISMISS
Disposition: MOTION GRANTED