

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO

DEBRA LEE,	]	
	]	CASE NO. 13CVF-9316
Appellant	]	
vs.	]	JUDGE BEATTY
	]	
OHIO DEPARTMENT OF JOB AND	]	
FAMILY SERVICES, <i>et al.</i> ,	]	
	]	
Appellees	]	

**DECISION AND JUDGMENT ENTRY AFFIRMING THE DECISION OF**  
**THE UNEMPLOYMENT COMPENSATION REVIEW COMMISSION**  
**AND**  
**NOTICE OF FINAL APPEALABLE ORDER**

**BEATTY, JUDGE**

This case is before the Court on an appeal pursuant to R.C. 4141.282 from the July 24, 2013 Decision of the Unemployment Compensation Review Commission (the “Commission”).

A telephone hearing was scheduled on Claimant’s appeal on July 2, 2013. Claimant failed to participate in the hearing. The Hearing Officer issued a decision dismissing Claimant’s appeal for failure to appear at the hearing. Claimant requested a hearing to show cause for her failure to appear.

On July 24, 2013, a show cause hearing was held before a Hearing Officer of the Commission. Claimant testified that when she filed her application for benefits, she signed up to get her correspondence by email. (T. 4). She stated that she had been using her daughter’s laptop computer, but that her daughter moved out, taking the computer, and could not be located. (*Id.*). Claimant eventually located her daughter, checked the status of her unemployment benefits, and learned she had missed the July 2, 2013

hearing. (*Id.*). Claimant stated that she did not contact the Department of Job and Family Services to ask for correspondence to be sent to her by mail, and did not go to a library or try to use another computer while her daughter was gone. (T. 5).

On July 24, 2013, the Hearing Officer issued a Decision finding that Claimant had failed to show good cause for the failure to appear for the hearing and affirming the dismissal of the appeal. On August 21, 2013, Claimant appealed to this Court.

This Court must affirm the Commission's decision unless the decision was unlawful, unreasonable, or against the manifest weight of the evidence. R.C. 4141.282(H).

R.C. 4141.281(D)(5) provides as follows:

For hearings at either the hearing officer or review level, if the appealing party fails to appear at the hearing, the hearing officer shall dismiss the appeal. The commission shall vacate the dismissal upon a showing that written notice of the hearing was not sent to that party's last known address, or good cause for the appellant's failure to appear is shown to the commission within fourteen days after the hearing date.

The issue before the Commission was whether Claimant had shown good cause for the failure to appear, pursuant to R.C. 4141.281(D)(5). The July 24, 2013 Decision stated as follows:

When claimant filed her Application for Determination of Benefit Rights, she chose to have her correspondence sent to her by email. Claimant's daughter moved out and took her laptop with her. Claimant did not have access to that computer for several weeks. She did not call the Ohio Department of Job and Family Services to request that her correspondence be sent to her by regular U.S. Mail during this time. Claimant also did not attempt to find another computer to use to check her correspondence during this time. She did not access her account again until after the hearing date had passed.

...

In this case the facts show that the appellant did not have ... a substantial reason for failure to appear at the hearing and good cause has not been established.

After reviewing the record, the Court finds that the Commission's Decision is not unlawful, unreasonable, or against the manifest weight of the evidence. The Court agrees with the reasoning set forth in the July 24, 2013 Decision. Accordingly, the Commission's Decision is hereby AFFIRMED. This is a final, appealable Order. Costs to Appellant.

Copies to:

Debra Lee, Appellant  
1011 Pleasant Court  
Reynoldsburg, OH 43068

Patria V. Hoskins, Counsel for Appellee (by efileing)

Franklin County Court of Common Pleas

**Date:** 12-13-2013  
**Case Title:** DEBRA LEE -VS- OHIO STATE DEPARTMENT JOB & FAMILY  
SERVI ET AL  
**Case Number:** 13CV009316  
**Type:** DECISION/ENTRY

It Is So Ordered.

  
The image shows a handwritten signature in black ink that reads "Laurel Beatty". The signature is written in a cursive style. To the right of the signature is a circular blue seal of the Franklin County Court of Common Pleas. The seal contains the text "COMMON PLEAS COURT" at the top, "FRANKLIN COUNTY" in the middle, and "ALL THINGS ARE POSSIBLE" at the bottom.

/s/ Judge Laurel A. Beatty

Court Disposition

Case Number: 13CV009316

Case Style: DEBRA LEE -VS- OHIO STATE DEPARTMENT JOB &  
FAMILY SERVI ET AL

Case Terminated: 18 - Other Terminations

Final Appealable Order: Yes