

A hearing was held by the Review Commission on September 17, 2013. The Hearing Officer reversed the Director's Redetermination disallowing unemployment benefits. The Sheriff filed a Request for Review from the Review Commission which was denied via its *Decision Disallowing Request for Review* mailed on October 30, 2013. The appeal is now before this Court.

BACKGROUND

The Claimant was employed by the Sheriff for nearly eight years as a Corrections Officer. The Claimant allowed his first cousin, Mark Holt ("Holt"), to reside with him after Holt was put on parole after being released from a correctional facility not under the control of the Butler County Sheriff. The Claimant informed his supervisor of this and the Claimant was directed to submit a letter requesting permission for his cousin to stay with him. On May 29, 2013, the Sheriff provided the Claimant with written notice of the commencement of an investigation based on allegations that he was in violation of the Prohibited Association's Policy and of Insubordination. On June 1, 2013, the Sheriff provided the Claimant with a written pre-disciplinary notice concerning the Claimant's violation of the Prohibited Association's Policy and his Insubordination.

After the June 5, 2013 pre-disciplinary hearing, the Claimant was instructed by his supervisor to cause his cousin to be removed from his residence and to provide a written report of that fact to his supervisor. The Claimant complied with that order. In response to the pre-disciplinary hearing, the Sheriff provided the Claimant with written notice that his employment was terminated.

The hearing officer found that the Claimant fulfilled orders from the disciplinary hearing by removing his cousin and submitting a report indicating that he had removed

his cousin. The hearing officer therefore found that the Claimant was not in violation of the Rules of Conduct at the time of his discharge and was discharged without just cause.

ANALYSIS

R.C. 4141.282(H) clearly defines the role of this Court in reviewing an administrative decision: "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."

CONCLUSION

After reviewing the certified record, briefs of counsel, and hearing the parties, this Court finds that the decision of the hearing officer for the Review Commission was not unlawful, unreasonable, or against the manifest weight of the evidence.


THEREFORE, THE COURT FINDS that the Sheriff's appeal is not well taken.

ENTRY

The decision of the Review Commission is hereby **AFFIRMED** and the Appellant's appeal is **DISMISSED**. This is a final appealable order. There is no just cause for delay. Costs to the Appellant.


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