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BUTLER COUNTY  
COMMON PLEAS COURTS

**IN THE COMMON PLEAS COURT  
GENERAL DIVISION  
BUTLER COUNTY, OHIO**

**MICHAEL COLEY,**

Appellant,

vs.

**TEDIA COMPANY, INC., et al.,**

Appellees.

\* Case No.: CV 2014-06-1527

\* JUDGE: NOAH E. POWERS II

\* **DECISION AND ENTRY**  
\* **GRANTING APPELLEE'S**  
\* **MOTION TO DISMISS FOR**  
\* **LACK OF JURISDICTION**

\* **FINAL APPEALABLE ORDER**

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**THIS MATTER** came before the Court on the motion of Ohio Department of Job and Family Services ("ODJFS") for dismissal. The ODJFS contends that this Court lacks subject matter jurisdiction because Appellant, Michael Coley, failed to strictly comply with R.C. §4141.282. Specifically, ODJFS contends that Appellant's failure to name the Director of Job and Family Services is fatal to his appeal. Appellant has not filed in opposition to ODJFS's *Motion*.

The Court has reviewed the memorandum, record, and applicable law. For the reasons cited below, the Court finds ODJFS's *Motion* well-taken.

**PROCEDURAL HISTORY**

This matter involves the termination of Michael Coley from his employ with Tedia Company, Inc. on July 29, 2013. It would appear as if Appellant first sought unemployment benefits around September, 2013. On September 6, 2013, he was denied benefits, and the determination was affirmed on October 11, 2013. Prior to receiving the October 11, 2013 redetermination, Appellant filed a new *Application* on October 7, 2013 regarding the same termination from Tedia. Plaintiff never appealed the redetermination

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of October 11, 2013, whereby it was found that he was terminated with just cause and denied the ability to receive unemployment benefits.

His October 7, 2013 *Application* resulted in a number of holdings, ultimately resulting in Appellant being denied the opportunity to receive unemployment benefits due to the issue having been previously adjudicated. Appellant's appeal of the Unemployment Compensation Review Commission resulted in the case *sub judice*.

### ANALYSIS

R.C. §4141.282(D) specifically provides as follows:

The commission shall provide 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.

There is no dispute that Appellant failed to name the ODJFS. "An appeal, the right to which is conferred by statute, can be perfected only in the mode prescribed by statute. The exercise of the right conferred is conditioned upon compliance with the accompanying mandatory requirements." *Zier v. Bur. of Unemp. Comp.*, 151 Ohio St. 123 (1949), paragraph one of the syllabus.

As Appellant failed to strictly comply with the mandates set forth in R.C. §4141.282, the Court lacks subject matter jurisdiction. *Sydenstricker v. Donato's Pizzeria, L.L.C.*, 11th Dist. No. 2009-L-149, 2010-Ohio-2953, ¶25.

### ENTRY

For the reasons stated above, the Court finds Ohio Unemployment Compensation Review Commission's *Motion to Dismiss for Failure to Name a Statutory Party and Lack of Subject Matter Jurisdiction* well-taken. Therefore, it is

**ORDERED** that this matter, be, and is hereby **DISMISSED**. Costs to Appellant.

**SO ORDERED:**

  
**NOAH E. POWERS II, JUDGE**

cc:  
Michael Coley  
30 Hidden Creek  
Oxford OH 47556

Robin A. Jarvis, Esq.  
Assistant Attorney General  
Health & Human Services Section  
1600 Carew Tower  
441 Vine Street  
Cincinnati OH 45202

Tedia Company Inc.  
1000 Tedia Way  
Fairfield OH 45014

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