

IN THE COURT OF COMMON PLEAS OF FRANKLIN COUNTY, OHIO

ANTHONY ROBINSON,	:	
	:	
Appellant,	:	CASE NO. 14CVF-01-381
	:	
vs.	:	JUDGE TIMOTHY S. HORTON
	:	
CITY HALL, et al.,	:	
	:	
Appellees.	:	

DECISION AND ENTRY

REMANDING THE APPEAL FOR LACK OF A FINAL ORDER

This action comes before the Court upon an appeal from the December 19, 2013 decision of the Unemployment Compensation Review Commission (hereinafter referred to as the “Commission”) to deny benefits to the Appellant Anthony Robinson (the “Appellant”). Appellant named the Department of Job & Family Services (the “Appellee”) and named nine additional entities as Appellees. As set forth below, the Decision of the Commission is not a final order and therefore the matter is **REMANDED**.

I. STATEMENT OF THE FACTS

This administrative appeal involves the Appellant’s request to overturn the Decision Disallowing Request for Review as issued by the Commission.

Appellant requested unemployment benefits in 2012. Eventually his request for benefits was denied on or about December 5, 2012 because he had been fired for just cause. Appellant never timely appealed that determination.

It is alleged that on December 27, 2012 Appellant was informed that he would be allowed to receive benefits from the Federal Extended Unemployment Compensation act. He began to receive those benefits and did not question them. Eventually, Appellant was contacted and informed that he was not entitled to the benefits that he had been paid. The Appellant was not found to have engaged in any fraud, but the government sought to receive repayment of the benefits. Appellant has objected to the return of the money claiming that any mistake was the

fault of the government and not his. The Appellant also contends that the mistake was 'clerical' and therefore, cannot be his fault or his responsibility to return the money.

The issue of whether Appellant must return the money led to another round of administrative hearings. On November 12, 2013 the Hearing Officer issued his Decision. The following is from page 3 of that Decision:

The Director's Redetermination, issued April 25, 2013, is modified. The claimant's application is disallowed as the claimant was discharged by City Hall 4th Floor (City of Columbus) for just cause in connection with work. Benefits are suspended until the claimant works in six weeks of covered employment, earned wages of \$1,332.00 or more, and is otherwise eligible. As the claimant did not receive benefits for the benefit year beginning January 27, 2013, no overpayment exists for this benefit year.

The matter is remanded so that an overpayment decision can be issued for the benefit year ending January 26, 2013.

The Hearing Officer held that the matter should be remanded so that the overpayment issue could be addressed.

The Hearing Officer's Decision was appealed and on December 19, 2013 the Commission issued its ruling disallowing the request for review. In so doing the Commission adopted the findings of the Hearing Officer. The Appellant then commenced this appeal.

II. ANALYSIS OF THE APPEAL

This Court notes that the Decision appealed was not a final order of the agency. The Hearing Officer's decision to remand for a further decision on the issue of any overpayment was adopted by the Commission when it disallowed the Appellant's administrative appeal. Hence, there is no final order.

Please note the following relevant language from R.C. 4141.282(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. (Emphasis added.)

In his Brief, the Appellant clarifies that he is only appealing the issue of overpayment. Because that issue was remanded by the Hearing Officer, there has been no final decision. This Court therefore lacks a final order to review. The issue of jurisdiction can be raised *sua sponte*

by the Court. Hence, the matter shall be remanded for further proceedings consistent with the decision of the Hearing Officer and as adopted by the Commission.

III. DECISION

Having found that there is no final order from the Appellee, the Court **REMANDS** the matter for further proceedings to address the issue of any overpayment or defense thereto.

THIS IS A FINAL APPEALABLE ORDER.

IT IS SO ORDERED.

JUDGE TIMOTHY S. HORTON

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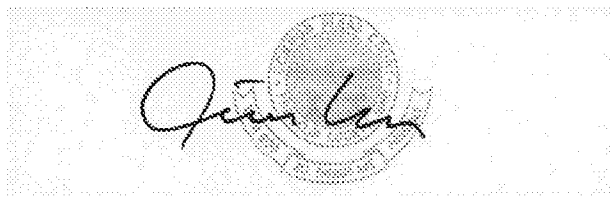
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Franklin County Court of Common Pleas

Date: 07-30-2014
Case Title: ANTHONY ROBINSON -VS- CITY HALL 4TH FLOOR ET AL
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Type: DECISION/ENTRY

It Is So Ordered.

A handwritten signature in black ink, appearing to read "Timothy S. Horton", is written over a circular, embossed seal. The seal is partially obscured by the signature and has a textured, dotted appearance.

/s/ Judge Timothy S. Horton

Court Disposition

Case Number: 14CV000381

Case Style: ANTHONY ROBINSON -VS- CITY HALL 4TH FLOOR
ET AL

Case Terminated: 18 - Other Terminations

Final Appealable Order: Yes