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DANIEL M. HERRIGAN

2014 AUG -8 AM 9: 44 IN THE COURT OF COMMON PLEAS  
SUMMIT COUNTY, OHIO

SUEN CORPORATION ET. AL.,  
CLERK OF COURTS  
Appellant,

vs.

DIRECTOR, OHIO DEPARTMENT  
OF JOB AND FAMILY SERVICES

and

MICHAEL A. WILSON,

Appellees.

CASE NO. CV-2014-05-2605

JUDGE JANE M. DAVIS

**FINAL JUDGMENT ENTRY OF REMAND**

This case came on for consideration as a statutory unemployment appeal that was filed by Appellants Suen Corporation and MKC Corporation (Suen-MKC), under R.C. 4141.282. Suen-MKC appeals from the final *Decision* of the Unemployment Compensation Review Commission (UCRC) dated April 30, 2014 that dismissed its appeal of an *ODJFS Redetermination of Benefits* dated November 22, 2013 on the basis that its appeal was untimely filed on February 28, 2014 under R.C. 4141.281(B) and R.C. 4141.281(D)(9).

Appellee Michael Wilson (Wilson) filed a claim for unemployment benefits with ODJFS on August 12, 2013. On September 6, 2013, ODJFS issued a *Determination of Benefits* that allowed the claim on the basis that Wilson was discharged by Suen-MKC without just cause pursuant to R.C. 4141.29(D)(2)(a). On November 8, 2013, Suen-MKC filed an appeal of the *Determination of Benefits* dated September 6, 2013 under R.C. 4141.281(A).

On November 22, 2013, ODJFS issued a *Redetermination of Benefits* that affirmed the *ODJFS Determination of Benefits* dated September 6, 2013 and dismissed the pending appeal on the basis that the appeal was untimely filed by Suen-MKC on November 8, 2013 in violation of R.C. 4141.281(A) and R.C. 4141.281(D)(9).

On February 28, 2014, Suen-MKC filed an appeal of the adverse *ODJFS Redetermination of Benefits* dated November 22, 2013 pursuant to R.C. 4141.281(B). On March 5, 2014, ODJFS transferred jurisdiction of the Wilson claim on appeal to the UCRC under R.C. 4141.281.

On March 19, 2014, a hearing was held by the UCRC on the issue of whether the appeal of the *ODJFS Redetermination of Benefits* dated November 22, 2013 that was filed by Suen-MKC on February 28, 2014 was untimely under R.C. 4141.281(B) and R.C. 4141.281(D)(9).

On March 20, 2014, a *Decision* was issued by the UCRC that dismissed the appeal that was filed by Suen-MKC on February 28, 2014 from the *ODJFS Redetermination of Benefits* dated November 22, 2013 as untimely filed under R.C. 4141.281(B) and R.C. 4141.281(D)(9).

On April 7, 2014, Suen-MKC filed a *Request for Review* of the adverse *Decision* of the hearing officer of the UCRC dated March 20, 2014 under R.C. 4141.281.

On April 30, 2014, a final *Decision* was issued by the UCRC that disallowed the *Request for Review* filed by Suen-MKC under R.C. 4141.281(C).

Accordingly, after due consideration, the Court hereby ORDERS that the appeal that was filed by Suen-MKC of the *ODJFS Redetermination of Benefits* dated November 22, 2013 shall be reinstated as timely filed under R.C. 4141.281(B) and R.C. 4141.281(D)(9). Therefore, the Court hereby ORDERS that the claim be REMANDED to the UCRC pursuant to R.C. 4141.282(H) for a hearing to be held on the appeal that was filed by Suen-MKC on February 28, 2014 to challenge the *ODJFS Redetermination of Benefits* dated November 22, 2013. Costs to Appellant.

  
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JUDGE JANE M. DAVIS