

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO  
CIVIL DIVISION

OTELIA E. SIMMONS, :  
 :  
 Plaintiff-Appellant, : CASE NO. 15CVF-618  
 :  
 vs. : JUDGE BROWN  
 :  
 OHIO STATE UNEMPLOYMENT :  
 COMPENSATION REVIEW :  
 COMMISSION, :  
 :  
 Defendant-Appellee. :

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**Decision and Entry**

*Rendered this 20<sup>th</sup> day of April, 2015*

This matter is before the Court upon the Motion to Dismiss, filed April 13, 2015, by the Director of Ohio Department of Job and Family Services (hereinafter “ODJFS”). Plaintiff-Appellant Otelia E. Simmons (hereinafter “Simmons”) filed a response on April 14, 2015. The issue is now ripe for determination.

**STATEMENT OF FACTS**

On January 22, 2015, Simmons filed an appeal of a decision disallowing further review of the denial of her application for unemployment compensation benefits. Simmons named only the State of Ohio Unemployment Compensation Review Commission as a Defendant-Appellee. ODJFS now moves the Court to dismiss Simmons’ appeal, arguing that this Court lacks jurisdiction. Simmons responded requesting that the Court deny the motion and expressing a desire to present her case to the Court.<sup>1</sup>

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<sup>1</sup> To date, Simmons has failed to file her merit brief which was due on April 2, 2015.

### LAW AND ANALYSIS

R.C. § 4141.282 provides the requirements for the appeal process from decisions of the State of Ohio Unemployment Compensation Review Commission. The statute states, in pertinent part:

(D) Interested Parties

The commission shall provide on its final decision 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.

If any of the requirements of R.C. § 4141.282 are not met, the Court is without jurisdiction to consider an appeal. *In re Claim of King*, 62 Ohio St.2d 87, 88, 403 N.E.2d 200 (1980).

### CONCLUSION

Accordingly, the Court lacks jurisdiction to hear the instant matter. ODJFS's Motion to Dismiss filed on April 13, 2015, is hereby **GRANTED**. This matter is **DISMISSED**. Costs to Appellant.

**IT IS SO ORDERED.**

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KIM BROWN, JUDGE

Franklin County Court of Common Pleas

**Date:** 04-20-2015  
**Case Title:** OTELIA SIMMONS -VS- OHIO STATE UNEMPLOYMENT  
COMPENSATION REV  
**Case Number:** 15CV000618  
**Type:** DISMISSAL ORDER CASE

It Is So Ordered.

A handwritten signature in black ink is written over a blue circular seal. The seal contains the text "COMMON PLEAS COURT" at the top, "FRANKLIN COUNTY OHIO" around the inner edge, and "ALL THINGS ARE POSSIBLE" at the bottom. The signature is a stylized, cursive "KRB".

/s/ Judge Kim Brown

Court Disposition

Case Number: 15CV000618

Case Style: OTELIA SIMMONS -VS- OHIO STATE  
UNEMPLOYMENT COMPENSATION REV

Case Terminated: 18 - Other Terminations

Motion Tie Off Information:

1. Motion CMS Document Id: 15CV0006182015-04-1399980000

Document Title: 04-13-2015-MOTION TO DISMISS

Disposition: MOTION GRANTED