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**IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO**

**FILED**

CHANEL YOUNG  
Plaintiff

Case No: CV-14-836540

2015 AUG 25 A 11: 23

Judge: JOAN SYNENBERG

CLERK OF COURTS  
CUYAHOGA COUNTY

CUYAHOGA COUNTY COMMISSIONERS - ET AL.  
Defendant

**JOURNAL ENTRY**

89 DIS. W/PREJ - FINAL

THIS CAUSE IS BEFORE THE COURT ON APPELLEE, THE STATE OF OHIO, DEPARTMENT OF JOB AND FAMILY SERVICES, MOTION TO DISMISS FOR LACK OF JURISDICTION, FILED 12/16/2014. ON 12/23/2014, APPELLEE CUYAHOGA COUNTY REQUESTED LEAVE TO JOIN IN THE MOTION TO DISMISS. THE COURT HELD A HEARING ON 8/17/2015 TO DETERMINE WHETHER THE APPEAL WAS TIMELY FILED. A COURT REPORTER WAS PRESENT. APPELLANT, CHANEL YOUNG, APPEARED PRO SE AND APPELLEES APPEARED THROUGH COUNSEL. UPON DUE CONSIDERATION OF THE EVIDENCE PRESENTED, PLEADINGS AND EXHIBITS ATTACHED THERETO, TRANSCRIPT OF THE RECORD BELOW, AND MOTIONS AND EXHIBITS ATTACHED THERETO, THE COURT FINDS THAT APPELLANT'S APPEAL IS UNTIMELY AND THE COURT LACKS JURISDICTION OVER THE SUBJECT MATTER OF THIS APPEAL. WHEREFORE, APPELLEES' MOTION TO DISMISS IS HEREBY GRANTED AND THE CASE IS DISMISSED WITH PREJUDICE.

R.C. 4141.282(A) GOVERNS UNEMPLOYMENT COMPENSATION APPEALS TO COURT, AND PROVIDES FOR A THIRTY-DAY DEADLINE FOR APPEAL; THE STATUTE READS: "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." PURSUANT TO R.C. 4141.282(C), "THE TIMELY FILING OF THE NOTICE OF APPEAL SHALL BE THE ONLY ACT REQUIRED TO PERFECT THE APPEAL AND VEST JURISDICTION IN THE COURT."

R.C. 4141.282(I), STATES IN THE PERTINENT PART: "IF AN APPEAL IS FILED AFTER THE THIRTY-DAY APPEAL PERIOD, THE COURT OF COMMON PLEAS SHALL CONDUCT A HEARING TO DETERMINE WHETHER THE APPEAL WAS TIMELY FILED UNDER DIVISION (D)(9) OF SECTION 4141.281 OF THE REVISED CODE. AT THE HEARING, ADDITIONAL EVIDENCE MAY BE INTRODUCED AND ORAL ARGUMENTS MAY BE PRESENTED REGARDING THE TIMELINESS OF THE FILING OF THE APPEAL."

THE FOLLOWING SUMMARIZES THE PROCEDURE OF MS. YOUNG'S APPEAL TO COURT. ON 9/4/2014, THE DECISION OF THE UNEMPLOYMENT COMPENSATION REVIEW COMMISSION ("DECISION") WAS SENT TO MS. YOUNG. IN THE DECISION, THE HEARING OFFICER DISMISSED HER CASE FINDING THAT MS. YOUNG LACKED GOOD CAUSE FOR FAILING TO APPEAR FOR A HEARING BEFORE THE REVIEW COMMISSION. ON 9/16/2014, MS. YOUNG FILED HER APPEAL OF THE DECISION TO THE SUMMIT COUNTY COURT OF COMMON PLEAS (CASE NO. CV-2014-09-4244.) ON 11/12/2014, THE SUMMIT COUNTY CASE WAS DISMISSED WITH PREJUDICE FOR MS. YOUNG'S FAILURE TO NAME ALL INTERESTED PARTIES AS APPELLEES. ON 11/26/2014, MS. YOUNG AGAIN FILED AN APPEAL OF THE DECISION, THIS TIME TO THE CUYAHOGA COUNTY COURT OF COMMON PLEAS IN THE INSTANT ACTION; CONSEQUENTLY, THE APPEAL WAS FILED AFTER THE THIRTY-DAY APPEAL PERIOD.

MS. YOUNG ARGUES THAT HER APPEAL IS NOT UNTIMELY SINCE SHE FIRST FILED HER APPEAL IN SUMMIT COUNTY, WITHIN THE THIRTY-DAY TIME PERIOD FOR PERFECTING AN APPEAL, AND WAS REQUIRED TO FILE IN THAT COURT BECAUSE THE REVIEW COMMISSION INFORMED HER THAT "[SHE] HAD TO FILE WHERE [SHE] LIVED." THE COURT DISAGREES AND FURTHER FINDS NO ERRONEOUS INSTRUCTION OF LAW IN THE DECISION FROM WHICH SHE APPEALED. THE DECISION, ATTACHED TO THE DEFENDANT'S MOTION AS EXHIBIT 1, ON PAGE



90574308

5 AND HEADED, "APPEAL RIGHTS," INDICATES THAT "THIS DECISION WAS MAILED ON: SEPTEMBER 04, 2014." IN INFORMING APPELLANT OF HER APPEAL RIGHTS, PAGE 5 STATES: "AN APPEAL FROM THIS DECISION MAY BE FILED TO THE COURT OF COMMON PLEAS OF THE COUNTY WHERE THE APPELLANT, IF AN EMPLOYEE, IS RESIDENT OR WAS LAST EMPLOYED \*\*\* WITHIN THIRTY (30) DAYS FROM THE DATE OF MAILING OF THIS DECISION, AS SET FORTH IN SECTION 4141.282(A)(B)(C), REVISED CODE OF OHIO. THE APPELLANT MUST NAME ALL INTEREST PARTIES AS APPELLEES IN THE NOTICE OF APPEAL, INCLUDING THE DIRECTOR OF THE DEPARTMENT OF JOB AND FAMILY SERVICES."

THE COURT FINDS THE DECISION ACCURATELY INSTRUCTED MS. YOUNG AS TO WHERE SHE COULD FILE AND, INDEED, THE LANGUAGE CONTAINED IN THE DECISION TRACKS THE LANGUAGE OF R.C. 4141.282(B), WHICH PERMITS AN APPEAL TO BE FILED "\*\*\* WHERE THE APPELLANT, IF AN EMPLOYEE, IS A RESIDENT OR WAS LAST EMPLOYED \*\*\*." FURTHER, ALTHOUGH MS. YOUNG DOES NOT ARGUE THAT SHE FAILED TO ACTUALLY RECEIVE THE DECISION OR WAS PREVENTED FROM FILING AN APPEAL, THE COURT FINDS THAT MS. YOUNG'S APPEAL IN SUMMIT COUNTY IS EVIDENCE THAT SHE RECEIVED THE DECISION, WAS ON NOTICE OF HER APPEAL RIGHTS AND WAS NOT PREVENTED FROM FILING AN APPEAL. AS SUCH, THE COURT FINDS NO OCCASION TO EXTEND THE APPEAL PERIOD PURSUANT TO R.C. 4141.281(D)(9).

PURSUANT TO CIV.R. 58(B), THE CLERK OF COURTS IS DIRECTED TO SERVE THIS JUDGMENT IN A MANNER PRESCRIBED BY CIV.R. 5(B). THE CLERK MUST INDICATE ON THE DOCKET THE NAMES AND ADDRESSES OF ALL PARTIES, THE METHOD OF SERVICE, AND THE COSTS ASSOCIATED WITH THIS SERVICE.

Judge Signature

Date

8/19/15