



D111787458

COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

ENTERED
AUG 28 2015

RLB, INC., dba BLUE ASH
EDUCATIONAL BUILDING,

Appellant,

v.

JHARELL M. BYRD, et al.,

Appellees.

CASE NO. A1101393

Judge John Andrew West

ENTRY OVERRULING
OBJECTION TO THE
MAGISTRATE'S
DECISION

This matter came before the Court on Director, Ohio Department of Job and Family Services ("ODJFS's") Objection to the Magistrate's Decision. After reviewing the written memoranda presented by the parties, and being otherwise fully informed of the premises, the Court hereby finds that ODJFS's Objection is not well taken.

Accordingly, IT IS THE ORDER OF THE COURT that ODJFS's Objection to the Magistrate's Decision is hereby overruled and the Magistrate's Decision is hereby adopted in its entirety.

Be it so Ordered.

DATE: _____

FOR COURT USE ONLY	
S.C. Line #:	10

COURT OF COMMON PLEAS
ENTER

John Andrew West

HON. JOHN ANDREW WEST
JUDGE JOHN ANDREW WEST
TO PARTIES PURSUANT TO CIVIL
RULE 58 WHICH SHALL BE TAXED
AS COSTS HEREIN.

HAMILTON COUNTY COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

RLB INC., dba BLUE ASH
EDUCATIONAL BUILDING
9125 Montgomery Rd.
Cincinnati, Ohio 45242

Appellant/Employer

vs.

JHARELL M. BYRD
5600 Attica Ave
Cincinnati, Ohio 45242-6608

And

DIRECTOR OHIO DEPT. JOB
AND FAMILY SERVICES
30 East Broad St., 32nd Floor
Columbus, Ohio 43215

Appellee/Claimant

Case No.: A1101393

Judge: West

Magistrate: Michael L. Bachman

MAGISTRATE'S DECISION



This cause came on for hearing this 15th day of September 2011, on Appellant's Appeal from the Review Commission's decision dated February 3, 2011. The court, having reviewed the record in its entirety and oral argument being had, the court finds the Review Commission's decision dated February 3, 2011, was unlawful, unreasonable and against the manifest weight of the evidence.

The Magistrate finds Appellee was employed by Appellant from October 7, 2010, to June 29, 2010, as an assistant child care giver. One of Appellee's daily required job duties was to complete the closeout checklist for Appellee's assigned room prior to

closing the room for the day. The closeout checklist required Appellee to clean Appellee's assigned room at the end of each day prior to closing the room for the day.

The Magistrate finds that the manifest weight of the evidence clearly demonstrates that Appellee failed on numerous occasions to complete the daily closeout checklist. Appellee's immediate supervisor verbally warned Appellee on two separate occasions regarding Appellee's failure to perform her required daily job duties. Appellant's assistant director verbally warned Appellee on two additional occasions and Appellee signed two Employee Acknowledgments, dated June 16, 2010 and June 29, 2010, which specifically state that Appellee failed to perform her required job duties and that failure was cause for Appellee's termination. Appellee was terminated for cause on June 29, 2010, for failing to perform her required job duties.

For the foregoing reasons, the February 3, 2011, decision of the Review Commission is against the manifest weight of the reliable, credible evidence contained in the file. The Review Commission decision dated February 3, 2011, is hereby reversed. Claimant is denied unemployment compensation.



Michael L. Bachman
Magistrate
Court of Common Pleas

NOTICE

Objections to the Magistrate's Decision must be filed within fourteen days of the filing date of the Magistrate's Decision. A party shall not assign as error on appeal the court's adoption of any factual finding or legal conclusion, whether or not specifically designated as a finding of fact or conclusion of law under Civ. R. 53(D)(3)(a)(ii), unless the party timely and specifically objects to that factual finding or legal conclusion as required by Civ. R. 53(D)(3)(b).

Copies sent by Clerk of Courts to:

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT COPIES OF THE FORGOING DECISION HAVE BEEN SENT BY ORDINARY MAIL TO ALL PARTIES OR THEIR ATTORNEYS AS PROVIDED ABOVE.

Date: 9/27 Deputy Clerk: *RAT*