



D113491333

IN THE COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

JUDGE ROBERT P. RUEHLMAN
COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

SANDRA F. GILL,

Appellant,

vs.

UNEMPLOYMENT REVIEW,

Appellee.

Case No. A 1504540

Judge Robert P. Ruehlman

ENTERED
FEB 11 2016

ENTRY OF DISMISSAL FOR LACK OF
SUBJECT MATTER JURISDICTION

This cause came on to be heard upon an appeal from the decision of the Ohio Unemployment Compensation Review Commission ("Review Commission") that denied benefits to Appellant, Sandra F. Gill. The Appellant filed a Notice of Appeal in this case on August 21, 2015. The appeal named the appellant's employer but not the Ohio Department of Job and Family Services ("ODJFS"). The Appellant also failed to serve ODJFS. Counsel for ODJFS eventually learned of Appellant's appeal and filed a Motion to Dismiss this case on two grounds.

First, ODJFS maintains that this appeal should be dismissed because it is untimely and therefore the court lacks subject matter jurisdiction. R.C. 4141.282(A) allows a valid appeal to be filed within 30 days from the written notice of the final decision from the Review Commission. In this case, the final decision of the Review Commission was mailed on July 1, 2015. The last day to file a timely appeal was July 31, 2015. Therefore, the Appellant's August 21, 2015 is late. For this reason, the court

lacks subject matter jurisdiction and cannot proceed on the merits.

Second, ODJFS maintains that this appeal should be dismissed because the Appellant failed to name ODJFS in the notice of appeal. R.C. 4141.282(D) provides that the director of ODJFS is an interested party and shall be named as appellee in the notice of appeal. Furthermore, the holding of the First District in *Dikong v. Ohio Supports*, 2013-Ohio-33, 985 N.E. 949 affirms that even a timely appeal that does not name ODJFS is defective and causes the court to lose subject matter jurisdiction. Since the Appellant failed to timely file the appeal and additionally failed to name ODJFS, this appeal is DISMISSED for lack of subject matter jurisdiction.

This is a final appealable order and there is no just reason for delay. Costs of this action to the Appellant.

