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

DERRICK A. THOMPkins
Plaintiff

ANGSTROM GRAPHICS, INC. MIDWEST ET AL.
Defendant

Case No: CV-14-830860

Judge: BRIAN J CORRIGAN

JOURNAL ENTRY

96 DISP.OTHER - FINAL

THIS CASE IS AN ADMINISTRATIVE APPEAL FROM THE OHIO UNEMPLOYMENT COMPENSATION REVIEW COMMISSION PURSUANT TO R.C. 4141.282. THE COMMISSION WAS PRESENTED WITH TWO DIFFERENT VERSIONS OF THE FACTS SURROUNDING CLAIMANT'S DISCHARGE. THE COMMISSION MADE THE FOLLOWING FINDINGS OF FACT. CLAIMANT DERRICK TOMPKINS WORKED FOR ANGSTROM GRAPHICS FROM DECEMBER 1998 UNTIL DECEMBER 31, 2013. UNTIL NOVEMBER 2013, CLAIMANT WORKED AS A HELPER OUTSIDE OF THE WEB PRESS ROOM. IN NOVEMBER 2013, THIS POSITION WAS ELIMINATED BUT CLAIMANT WAS MOVED TO A FULL-TIME HELPER POSITION IN THE WEB PRESS ROOM. ON DECEMBER 30, 2013 CLAIMANT WAS SCHEDULED TO WORK HIS NORMAL 3:00-11:00 P.M. SHIFT. DENNIS, A LEAD, WAS SHOWING CLAIMANT HOW TO CLEAN THE GLUE AND BECAME FRUSTRATED WITH CLAIMANT. HE USED PROFANITY TOWARD CLAIMANT AND TOLD HIM TO GET OUT OF THE ROOM. CLAIMANT LEFT THE SHIFT AT 6:20 P.M. HE DID NOT ATTEMPT TO FIND THE MANAGER BEFORE HE LEFT. CLAIMANT DID NOT RETURN THE FOLLOWING DAY. HE WAS DISCHARGED ON DECEMBER 31, 2013. MS. MILNER, A SUPERVISOR, TOLD CLAIMANT THAT SHE WAS SORRY THAT HE WALKED OUT DURING HIS SHIFT. CLAIMANT DID NOT EXPLAIN ANY OF THE CIRCUMSTANCES TO HER. CLAIMANT ARGUED THAT HE WAS DISCHARGED DUE TO LACK OF WORK. EMPLOYEE PRESENTED EVIDENCE THAT CLAIMANT WAS DISCHARGED BECAUSE HE WALKED OFF DURING A SHIFT AND NEVER RETURNED. CLAIMANT ALSO MAKES THE ALTERNATIVE ARGUMENT THAT HE QUIT HIS JOB WITH JUST CAUSE AS A RESULT OF THE INCIDENT WITH HIS CO-WORKER ON DECEMBER 30, 2013. THE REVIEW COMMISSION FOUND THAT CLAIMANT DERRICK TOMPKINS WAS DISCHARGED FROM HIS EMPLOYMENT WITH ANGSTROM GRAPHICS INC. MIDWEST WITH JUST CAUSE.

THE COURT SHALL AFFIRM THE REVIEW COMMISSION'S DECISION UNLESS "THE COURT FINDS THAT THE DECISION OF THE COMMISSION WAS UNLAWFUL, UNREASONABLE, OR AGAINST THE MANIFEST WEIGHT OF THE EVIDENCE[.]" R.C. 4141.282(H). THE COURT IS "NOT PERMITTED TO MAKE FACTUAL FINDINGS OR TO DETERMINE THE CREDIBILITY OF WITNESSES." HALL V.. AMERICAN BRAKE SHOE CO. (1968), 13 OHIO ST. 2D 11, 13. THE AUTHORITY OF THE COURTS IS TO DETERMINE WHETHER THE DECISION OF THE BOARD IS SUPPORTED BY THE EVIDENCE IN THE RECORD. KILGORE V.. BD. OF REVIEW (1965), 2 OHIO APP. 2D 69, 71. THE FACT THAT REASONABLE MINDS MIGHT REACH DIFFERENT CONCLUSIONS IS NOT A BASIS FOR THE REVERSAL OF THE BOARD'S DECISION. CRAIG V. BUREAU OF UNEMPLOYMENT COMPENSATION (1948), 83 OHIO APP. 247, 260.

"TRADITIONALLY, JUST CAUSE, IN THE STATUTORY SENSE, IS THAT WHICH, TO AN ORDINARILY INTELLIGENT PERSON, IS A JUSTIFIABLE REASON FOR DOING OR NOT DOING A PARTICULAR ACT." BLISS V. OHIO BUREAU OF EMPLOYMENT SERVICES, 2000 OHIO APP. LEXIS 5872, AT *6 (QUOTING TZANGAS, PLAKAS & MANNOS V. OHIO BUREAU OF EMPLOYMETN SERVIVES (1995) 73 OHIO ST. 694. IN UNEMPLOYMENT COMPENSATION CONTEXT, "JUST CAUSE" MUST BE LIBERALLY CONSTRUED AND CONSISTENT WITH THE LEGISLATIVE PURPOSES UNDERLYING THE UNEMPLOYMENT COMPENSATION ACT. ID.

GIVEN THE EVIDENCE SUBMITTED TO THE COMMISSION AND LIBERAL DEFINITION OF JUST CAUSE, THIS COURT CANNOT HOLD THAT THE COMMISSION'S DECISION WAS UNLAWFUL, UNREASONABLE, OR AGAINST THE MANIFEST WEIGHT OF THE EVIDENCE.

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THE DECISION OF THE COMMISSION IS, THEREFORE, AFFIRMED.

FINAL.

COURT COST ASSESSED TO THE PLAINTIFF(S).

A handwritten signature in black ink, appearing to be "Judge [unclear]". The signature is written in a cursive style with some loops and flourishes.

Judge Signature

02/09/2016

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