

STATE OF OHIO, COUNTY OF BELMONT
COURT OF COMMON PLEAS

COMMON PLEAS COURT
OHIO
2016 JUN 13 AM 10:38

CYNTHIA K. MCGEE
CLERK

Joseph E. Schaeffer,

Case No.: 16 CV 64

Appellant

vs.

DECISION/JUDGMENT

Ohio Department of Job and Family
Services, et al.,

Appellees

I. Introduction

On February 12, 2016, Appellant Joseph E. Schaeffer filed his Notice of Appeal with attached "Appeal of Decision Disallowing Request for Review of Denial of Unemployment Benefits" before the Court of Common Pleas of Belmont County, Ohio. The basis of the appeal was that the State of Ohio Unemployment Compensation Review Commission had allegedly improperly denied Appellant Joseph E. Schaeffer unemployment compensation benefits. The parties named as Appellees in the proceedings were the Ohio Department of Job and Family Services, Cynthia Dungey as Director, and Ohio Valley Scale & Equipment Corporation, Bradley Young, Owner.

On May 2, 2016, Appellant filed his brief in support of his position. On May 26, 2016, Appellee Director of Ohio Department of Job and Family Services filed its brief in support of its position. On May 27, 2016, Appellee Ohio Valley Scale & Equipment Corporation filed its brief in support of its position. On June 9, 2016, Appellant filed his reply brief.

II - The Law

The law is clear pursuant to Ohio Revised Code §4141.282(H) that:

The court shall hear the appeal upon receipt of the certified record provided by the commission. If the court finds the decision was unlawful, unreasonable, or against the manifest weight of the evidence, it shall reverse, vacate or modify the decision, or remand the matter to the commission. Otherwise, the court shall affirm the decision of the commission.

In short, this Court must affirm the decision denying unemployment compensation benefits unless it is established that the said decision denying benefits was unlawful, unreasonable, or manifestly against the weight of the evidence. According to the Ohio Supreme Court in C. E. Moore Co. v. Foley Constr. Co., 54 Ohio St.2d 279 (1978), 376 N.E.2d 578, a judgment will not be determined to be against the manifest weight of the evidence if it is supported by some competent credible evidence going to all the essential elements of the case. This Court is not permitted to weigh the evidence or assess credibility of any of the witnesses.

This is the standard of review with which this Court approaches the issue as to whether or not Employee Joseph E. Schaeffer terminated his employment without just cause. Said employee, within that standard of review, must establish that the terminating of his employment is what an ordinarily intelligent person would be justified in doing or not doing under the given situation.

III- The Facts

Appellant-Employee states that he wished to save the Employer time and money by not undertaking the two scheduled drug tests. He was questioned by Appellant-Employer, "You mean you are quitting?" with the said Appellant-Employee unequivocally responding, "Yes." Appellant-Employee explained that the subject employment "just isn't my cup of tea."

IV- Conclusion

The Unemployment Compensation Review Commission's decision was not unlawful, unreasonable, or against the manifest weight of the evidence. Instead, it was clearly supported by competent and credible evidence.

It is clear that this Appellate-Employee Joseph E. Schaeffer made the voluntary, conscious decision choosing voluntary unemployment over employment. That is his right. That is his decision. However, he will not receive unemployment compensation based upon said actions.

Unemployment compensation benefits are not granted as a matter of right to an individual no longer employed. The Unemployment Compensation Act is intended to assist individuals who, not through their own fault, are temporarily unemployed.

Accordingly, the decision of the State of Ohio Unemployment Compensation Review Commission denying Appellant-Employee benefits is hereby affirmed. Appeal is dismissed.

Case Ended.

Date of Entry: June 13, 2016


FRANK A. FREGIATO - JUDGE

pc: **Lyndsay M. Sullivan**, Atty./Appellant
Gregory W. Hinzey, Atty./Appellees OV Scale & Bradley Young
Patria V. Hoskins, Atty./Appellee, Director, Ohio Department of Job and Family Services

FAF/jsm