

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO

VALUDA STOUT,	:	
	:	
Appellant,	:	
	:	
vs.	:	Case No. 17CVF03-2075
	:	
FRANKLIN WOODS NURSING & REHABILITATION, et al.,	:	Judge Cain
	:	
Appellees.	:	

DECISION AND ENTRY GRANTING APPELLEE’S, OHIO DEPARTMENT OF JOB AND FAMILY SERVICES, MOTION TO DISMISS, FILED MAY 17, 2017

ENTRY DISMISSING APPELLANT’S NOTICE OF APPEAL WITH PREJUDICE

Rendered this ____ day of June 2017.

CAIN, J.

This matter is before this Court on Appellee’s, Ohio Department of Job and Family Services (hereinafter “ODJFS”), Motion to Dismiss, filed May 17, 2017. This motion is unopposed and is now ripe for decision.

The present action is an administrative appeal. Appellant appeals the decision of ODJFS denying her unemployment benefits. She initially appealed ODJFS’s determination to the Unemployment Compensation Review Commission, which denied Appellant’s appeal on January 25, 2017. Appellant filed her Notice of Appeal with this Court on March 1, 2017. ODJFS now asks the Court to dismiss Appellant’s Notice of Appeal on the grounds that it was not timely filed and as such, the Court lacks subject matter jurisdiction of the current matter.

The Court must grant ODJFS’s motion. Appellant’s appeal is governed by R.C. 4141.282. When a right to appeal is conferred by statute, the appeal can be perfected only

by strict adherence to the statutory conditions. Harrison v. Ohio State Medical Board (10th Dist., 1995), 103 Ohio App. 3d 317, 321. R.C. 4141.282(A) states:

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.

The final decision of the Unemployment Compensation Review Commission was sent to Appellant on January 25, 2017. Therefore, Appellant had until February 24, 2017 in which to file her Notice of Appeal. Appellant did not file her Notice of Appeal until March 1, 2017. As such, Appellant did not file her Notice of Appeal within the thirty days allowed by statute and the Court lacks subject matter jurisdiction over it. ODJFS's motion must be granted.

After review and consideration, the Court finds Appellee's, Ohio Department of Job and Family Services, motion to be well-taken, and is hereby GRANTED. It is hereby ORDERED that Appellant's Notice of Appeal is DISMISSED WITH PREJUDICE. This is a final appealable order and there is no just cause for delay. The Clerk shall serve a copy of this decision on all parties in accordance with Civ. R. 58(B).

IT IS SO ORDERED.

Copies to:

Valuda Stout
Appellant

Patria V. Hoskins
Counsel for Appellee, Ohio Department of Job and Family Services

Franklin County Court of Common Pleas

Date: 06-12-2017
Case Title: VALUDA STOUT -VS- FRANKLIN WOODS NURSING & REHABILITATION
Case Number: 17CV002075
Type: DECISION/ENTRY

It Is So Ordered.



/s/ Judge David E. Cain

Court Disposition

Case Number: 17CV002075

Case Style: VALUDA STOUT -VS- FRANKLIN WOODS NURSING &
REHABILITATION

Case Terminated: 08 - Dismissal with/without prejudice

Final Appealable Order: Yes

Motion Tie Off Information:

1. Motion CMS Document Id: 17CV0020752017-05-1799980000
Document Title: 05-17-2017-MOTION TO DISMISS -
DEFENDANT: OHIO STATE DEPARTMENT JOB & FAMILY SERVI
Disposition: MOTION GRANTED