



IN THE COURT OF COMMON PLEAS
MAHONING COUNTY, OHIO

| | | |
|-------------------------------|---|-------------------------|
| YOUNGSTOWN STATE UNIVERSITY |) | CASE NO. 2017CV92 |
| |) | |
| APPELLANT |) | |
| |) | JUDGE ANTHONY D'APOLITO |
| |) | |
| VS. |) | |
| |) | JUDGMENT ENTRY |
| GENIA L. HERNS, <i>et al.</i> |) | |
| |) | |
| APPELLEES |) | |

This matter has come before the Court pursuant to a timely appeal from a decision of the Ohio Unemployment Compensation Review Commission ("Review Commission") pursuant to Ohio Revised Code Section 4141.282.

In this case, the record before the Review Commission establishes that the Director, Ohio Department of Job and Family Services ("Director") issued an initial determination on June 15, 2016 that Appellee, Genie L. Herns ("Herns or Claimant") was discharged from her employment without just cause, and allowed Claimant's application for benefits. Appellant timely appealed the determination. On July 22, 2016, the Director of the Ohio Department of Job and Family Services (ODJFS) issued a redetermination decision affirming the original determination and found that Claimant was discharged without just cause, and allowed Claimant's application for benefits. On August 10, 2016, Appellant filed a timely appeal of the Director's redetermination decision and jurisdiction of the matter was transferred to the Unemployment Compensation Review Commission (UCRC) pursuant to R.C. 4141.281(B) on August 12, 2016.



A hearing was held before UCRC Hearing Officer Tonya Brady on August 30, 2016. On September 8, 2016, Hearing Officer Brady issued a decision reversing the redetermination decision and disallowed Claimant's application based upon the finding that Claimant was discharged by Appellant for just cause.

Claimant timely filed a request for further review by the UCRC on September 9, 2016, which was ultimately allowed. On November 9, 2016, Hearing Officer McClesky conducted a telephonic evidentiary hearing. In her December 14, 2016 decision, Hearing Officer McClesky reversed the previous decision and held that Claimant had been discharged from employment without just cause, and was therefore eligible for unemployment compensation benefits.

Pursuant to R.C. 4141.828, Appellant timely filed its appeal with the Court on January 12, 2017.

The sole issue before the Court is whether the UCRC's decision that Claimant was discharged without just cause was unlawful, unreasonable, or against the manifest weight of the evidence. In its review, the Court shall disregard Exhibits J through N, P through R, the first page of Exhibit S, all except the first page of Exhibit T and Exhibits U and V attached to the merit brief filed by Appellant as Appellant withdrew the exhibits. Additionally, the Court shall not consider any argument or reference to the exhibits that is not part of the record.

The procedure for reviewing a Review Commission's decision is plainly set forth in R.C. 4141.282(H). To reverse, vacate or remand the matter, this Court must find that the decision of the Review Commission was unlawful, unreasonable or against the manifest weight of the evidence. In conducting the review, it has long been established

that the reviewing court is not permitted to substitute its judgment for that of the Review Commission. Rather, this Court is limited to determining whether there is evidence in the record to support the Review Commission's decision.

The record does not support Appellant's position that the Review Commission hearing officer's decision was unlawful, unreasonable or against the manifest weight of the evidence. It is not for this Court to substitute its judgment for that of the Review Commission merely because this Court may have reached a different result.

After a review of the record herein, the Court finds that the Review Commission's factual determinations are supported by competent, credible evidence. The Court further finds that the Review Commission's Decision is not unlawful, unreasonable or against the manifest weight of the evidence. Therefore, the Decision of the Ohio Unemployment Compensation Review Commission is hereby affirmed.

DATE: 11-16-17



JUDGE ANTHONY M. D'APOLITO

CLERK TO SEND COPIES TO
ALL ATTORNEYS AND
UNREPRESENTED PARTIES.