IN THE COURT OF APPEALS OF OHIO

TENTH APPELLATE DISTRICT

Janet Daniel,   :

        Appellant-Appellant,   :

v.   :   No. 12AP-355
                                                              (C.P.C. No. 11CVF-12-15410)
Director, Ohio Department of Job and   :
Family Services et al.,   (ACCELERATED CALENDAR)
                                                 :
        Appellees-Appellees.   :

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D E C I S I O N

Rendered on October 23, 2012

Law Offices of Gary A. Reeve LLC, and *Gary A. Reeve,* for appellant.

Michael DeWine, Attorney General, and *Patria V. Hoskins,* for appellee.

APPEAL from the Franklin County Court of Common Pleas

TYACK, J.

{¶ 1} Janet Daniel is appealing from the judgment of the common pleas court on her administrative appeal regarding her receipt of unemployment benefits to which she was not entitled. She assigns a single error for our consideration:

> I. It was unreasonable, unjust and/or against the manifest weight of the evidence for Appellee Director, Ohio Department of Job and Family Services ("Appellee") to determine that Appellant Janet Daniel ("Daniel") committed fraud in her representations to Appellee regarding income made while receiving unemployment compensation benefits.

{¶ 2} This case does not present a question of whether Janet Daniels misrepresented her income while receiving unemployment benefits. She clearly did. For years she provided the Ohio Department of Job and Family Services ("ODJFS") with inaccurate information. She consistently gave inaccurate information figures about her weekly income from February 2008 to January 2011, often claiming income of $36.50 per week while receiving significantly more. She also made no effort to estimate or report her tip income for that period of almost three years. She received over $30,000 in benefits, but was entitled to far less—even by her own admission.

{¶ 3} After Daniel's misrepresentations came to light, ODJFS conducted an investigation and reached the conclusion that Daniel had engaged in fraud, which meant that she was ordered to return all the unemployment benefits she received. She and her counsel argued that she had not engaged in fraud, while acknowledging that she was significantly overpaid.

{¶ 4} The Unemployment Compensation Review Commission found fraud. The common pleas court agreed, finding the commission's ruling was not unlawful, unreasonable or against the manifest weight of the evidence.

{¶ 5} We are bound by the same standards of review, set forth in R.C. 4141.282(H), which reads:

> The court shall hear the appeal on the certified record provided by the commission. If the court finds that the decision of the commission 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.

{¶ 6} We, likewise cannot find the determination below to be unlawful, unreasonable or against the manifest weight of the evidence. Daniel claims that she has a limited command of the English language, but she has been in this country for 18 years or more. She had been employed for over 13 years in Ohio before she got laid off from one of her two jobs and began seeking unemployment compensation. Her language limitations may have made it more difficult to fully comprehend the forms she filled out and a pamphlet, Workers Guide to Unemployment Benefits, she received. However, the

pamphlet and the forms focus on a very simple request "tell us what you earned." Daniel made no serious effort to do so.

{¶ 7}   The discrepancies between what Daniel earned and what she claimed she earned are so striking that ODJFS was reasonable in reaching its conclusion that this was a case of fraud, not just a series of mistakes lasting almost three years.

{¶ 8}   The conclusion of ODJFS that a fraud finding was appropriate was not against the manifest weight of the evidence. Nor was that conclusion unlawful.

{¶ 9}   The assignment of error is overruled. The judgment of the Franklin County Court of Common Pleas is affirmed.

Judgment affirmed.

BROWN, P.J., and SADLER, J., concur.

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