

IN THE COURT OF APPEALS OF OHIO
TENTH APPELLATE DISTRICT

Tareq R. Jabr,	:	
Plaintiff-Appellant,	:	
v.	:	No. 15AP-1141 (Ct. of Cl. No. 2015-00448)
Ohio Department of Job and Family Services,	:	(ACCELERATED CALENDAR)
Defendant-Appellee.	:	

D E C I S I O N

Rendered on June 30, 2016

On brief: *Tareq R. Jabr*, pro se. **Argued:** *Tareq R. Jabr*.

On brief: *Michael DeWine*, Attorney General,
Christopher L. Bagi and *James P. Dinsmore*, for appellee.
Argued: *Christopher L. Bagi*.

APPEAL from the Court of Claims of Ohio

KLATT, J.

{¶ 1} Plaintiff-appellant, Tareq R. Jabr, appeals a judgment of the Court of Claims of Ohio that granted the motion of defendant-appellee, the Ohio Department of Job and Family Services ("ODJFS"), for judgment on the pleadings. For the following reasons, we affirm the judgment.

{¶ 2} On May 5, 2015, Jabr filed suit against the Cuyahoga County Child Support Enforcement Agency ("CCCSEA") in the Court of Claims. Jabr alleged that CCCSEA had issued an administrative order that wrongfully ordered him to pay \$441 per month in

child support when his only income was a monthly Social Security disability benefit payment of \$527. Jabr also asserted that CCCSEA had unlawfully enforced the administrative order and unlawfully imposed penalties against him when his failure to pay the full amount resulted in the development of an arrearage. Jabr sought damages in the amount of \$100,000.

{¶ 3} Because CCCSEA is not a state agency or instrumentality, the Court of Claims dismissed CCCSEA as a party. The court warned Jabr that it would dismiss his action in its entirety unless he filed an amended complaint that named a state agency or instrumentality as a defendant. Jabr filed an amended complaint on May 7, 2015. The amended complaint repeated the same allegations as the original complaint, but it named ODJFS, not CCCSEA, as the defendant and alleged that both ODJFS and CCCSEA committed the alleged wrongful actions.

{¶ 4} ODJFS answered the complaint and then moved for judgment on the pleadings. In relevant part, ODJFS argued that the Court of Claims lacked jurisdiction over Jabr's action. In a judgment entered December 14, 2015, the Court of Claims granted ODJFS' motion. The Court of Claims found that it did not have jurisdiction to review Jabr's challenge to the administrative child support order or the penalties and arrearage associated with that order.

{¶ 5} Jabr now appeals from the December 14, 2015 judgment, and he assigns the following errors:

I. the trial court erred in granting , appellee, ohio dept, of job and family services, motion on the pleadings, that plaintiff tareq jabr, is exemt, under section, 5115.06, of the revised code, and the defs, kept deducting ffrom my checks, wrongfully, your honors.

II. the defs, did harm and injury, too the plaintiff, tareq jabr, health got worst, plus nobody should pay a high, price, from these defs, you, honors.

III. theres no price on a persons health, and no one is above the laws, your honors.

IV. case needs , fixing up, plus, defs, need to pay back support, and the 200, 000 dollars in damages to the plaintiff tareq jabr , your honors, with respect, to the court.¹

{¶ 6} Jabr's four assignments of error are interrelated, so we will address them together. By these assignments of error, Jabr argues that the Court of Claims erred in granting ODJFS judgment on the pleadings. We disagree.

{¶ 7} Civ.R. 12(C) permits parties to move for judgment on the pleadings. In reviewing such a motion, a trial court construes the material allegations of the complaint and all reasonable inferences drawn from those allegations in favor of the non-moving party. *Rayess v. Educational Comm. for Foreign Med. Graduates*, 134 Ohio St.3d 509, 2012-Ohio-5676, ¶ 18. A trial court must grant the motion if it finds that, beyond a doubt, the plaintiff can prove no set of facts in support of its claim or claims to relief. *Id.* "Thus, Civ.R. 12(C) requires a determination that no material factual issues exist and that the movant is entitled to judgment as a matter of law." *Id.*, quoting *State ex rel. Midwest Pride IV, Inc. v. Pontious*, 75 Ohio St.3d 565, 570 (1996). Appellate courts apply the de novo standard of review to decisions granting judgment on the pleadings. *Id.*

{¶ 8} To determine whether the Court of Claims erred in granting ODJFS judgment on the pleadings, we must consider the scope of the Court of Claims' subject-matter jurisdiction. If the Court of Claims' subject-matter jurisdiction does not extend to Jabr's claim, then the court properly granted ODJFS judgment on the pleadings.

{¶ 9} Subject-matter jurisdiction is the statutory or constitutional power to adjudicate the merits of a case. *Pratts v. Hurley*, 102 Ohio St.3d 81, 2004-Ohio-1980, ¶ 11. The subject-matter jurisdiction of the Court of Claims derives from statute, specifically R.C. Chapter 2743. *State ex rel. DeWine v. Court of Claims*, 130 Ohio St.3d 244, 2011-Ohio-5283, ¶ 19, 21. The Court of Claims may not exceed the statutorily defined boundaries of its subject-matter jurisdiction. *Id.*

{¶ 10} Pursuant to R.C. 2743.02 and 2743.03, the Court of Claims has exclusive subject-matter jurisdiction over civil actions against the state for money damages that sound in law. *Measles v. Indus. Comm.*, 128 Ohio St.3d 458, 2011-Ohio-1523, ¶ 7. However, the Court of Claims' subject-matter jurisdiction does not encompass actions

¹ We repeat Jabr's assignments of error verbatim, without correcting the spelling, punctuation, or grammatical errors.

that include a prayer for money damages but, in actuality, seek review of an administrative order. *Shampine v. Ohio Dept. of Job & Family Servs.*, 10th Dist. No. 11AP-123, 2011-Ohio-6057, ¶ 17-19; *Chenault v. Ohio Dept. of Job & Family Servs.*, 194 Ohio App.3d 731, 2011-Ohio-3554, ¶ 17-20 (10th Dist.); *George v. Ohio Dept. of Human Servs.*, 10th Dist. No. 04AP-351, 2005-Ohio-2292, ¶ 35. An action in the Court of Claims is not a substitute for a statutorily-created right of appeal of an administrative decision. *George* at ¶ 35. Thus, when resolution of a claim would require the Court of Claims to review an administrative order that is subject to its own statutory appeals process, the characterization of the claim as a claim for damages does not render the claim justiciable in the Court of Claims.

{¶ 11} Here, Jabr's alleged claim revolves around an administrative child support order. Jabr wants the Court of Claims to vacate that order, return the money paid under that order, and award damages for injuries he claims that he suffered due to that order's imposition and enforcement. The Court of Claims, however, is not the proper forum for Jabr's complaint. Jabr, instead, must pursue relief from the administrative child support order in the manner prescribed by the statutes governing such orders.

{¶ 12} Pursuant to R.C. 3111.84:

[t]he mother or father of a child who is the subject of an administrative support order may object to the order by bringing an action for the payment of support and provision for the child's health care under section 2151.231 of the Revised Code in the juvenile court * * * of the county in which the child support enforcement agency that employs the administrative officer [who issued the order] is located. * * * If neither the mother nor the father brings an action for the payment of support and provision for the child's health care within [the] thirty-day period [after the date of the issuance of the administrative order], the administrative support order is final and enforceable by a court and may be modified only as provided in Chapters 3119., 3121., and 3123. of the Revised Code.

Under the dictates of R.C. 3111.84, Jabr's recourse for relief from the administrative child support order lies with the Juvenile Division of the Cuyahoga County Court of Common Pleas and/or the CCCSEA. Accordingly, we conclude that the Court of Claims lacks subject-matter jurisdiction over Jabr's action.

{¶ 13} For the foregoing reasons, we overrule all of Jabr's assignments of error, and we affirm the judgment of the Court of Claims of Ohio.

Judgment affirmed.

BROWN and BRUNNER, JJ., concur.
