[Cite as *Rowe v. Dir., Dept. of Job & Family Servs.*, 2026-Ohio-3314.]

IN THE COURT OF APPEALS OF OHIO

TENTH APPELLATE DISTRICT

Elgin E. Rowe,	:	
Appellant-Appellant,	:	No. 25AP-673 (C.P.C. No. 24CV-9121)
v.	:	(REGULAR CALENDAR)
Director, Ohio Department of Job and Family Services et al.,	:	
Appellees-Appellees.	:	

D E C I S I O N

Rendered on August 25, 2026

On brief: *Elgin E. Rowe*, pro se. **Argued:** *Elgin E. Rowe.*

On brief: [*Andy Wilson*], Attorney General, and *David E. Lefton*, for appellees. **Argued:** *David E. Lefton.*

APPEAL from the Franklin County Court of Common Pleas

JAMISON, J.

{¶ 1} Appellant, Elgin Rowe, appeals from a judgment of the Franklin County Court of Common Pleas affirming a decision of the Unemployment Compensation Review Commission (the "commission"). For the following reasons, we affirm.

I. FACTS AND PROCEDURAL HISTORY

{¶ 2} This case arises from appellant's appeal from the commission's decision declining to award unemployment compensation benefits based on its finding that his employer, Outback Steakhouse Restaurant Services, LLC ("employer"), discharged him from his employment for just cause.

{¶ 3} Appellant filed an application for determination of benefit rights. The director of Ohio Department of Job and Family Services ("ODJFS") allowed the application with a benefit year beginning June 30, 2024. On July 18, 2024, the director of ODJFS

issued a determination that appellant quit his employment without just cause, denying appellant's benefits. Appellant appealed. On August 16, 2024, the director of ODJFS issued a redetermination that affirmed the denial of benefits. Appellant appealed on September 3, 2024, and the case was transferred to the commission.

{¶ 4} Both appellant and the manager of the employer testified in a 45-minute telephone hearing before a hearing officer representing the commission on September 20, 2024. Appellant testified that he and the manager had a dispute over paperwork showing his reduced hours, which appellant needed so he could lower the rent for his Section 8 housing. He alleged that he was fired because he went home after the disagreement. Appellant further testified that before leaving he said, "You got favoritism, so f*** this job." (Sept. 20, 2024 Tr. at 127.) Appellant also testified that he went home because the manager told him to leave.

{¶ 5} The manager testified that he was busy at the time appellant asked for the paperwork. He further testified that when appellant became agitated the manager said, "Hey, you're more than welcome to leave." (Tr. at 134.) The manager also said, "Well, if you leave, I'm just letting you know that you're no longer employed." *Id.* at 133. Finally, the manager testified that he did not fire appellant, but made it clear that if appellant left, he was terminated. The hearing officer determined the manager's testimony was more credible.

{¶ 6} The hearing officer made the following findings of fact. Appellant was working for the employer as a part-time Silverware Roller. In June 2024, appellant asked a member of management to fill out a form that he needed for a rent reduction for his Section 8 housing. When the person did not assist him, he began worrying that he would be unable to afford housing without it. On June 29, 2024, appellant approached his manager who was preparing to open the restaurant for the day. Appellant became angry and cursed at his manager. At this time, the manager told appellant that if he left work, he would consider him to have walked off the job, terminating his employment. Appellant left the restaurant. When appellant returned on the following day, he was informed of his termination.

{¶ 7} On September 30, 2024, the hearing officer issued a written decision that appellant had been discharged with just cause for leaving work during his shift. Appellant's

request for benefits was denied, and the director's redetermination was modified to identify appellant's termination of employment as a discharge with just cause. On October 10, 2024, appellant requested further review from the commission. On October 30, 2024, the commission issued a decision disallowing the request for review. That was the final order in the administrative process.

{¶ 8} On November 27, 2024, appellant commenced his appeal of the administrative proceedings in the Franklin County Court of Common Pleas. On July 23, 2025, the trial court issued a written decision holding that the hearing officer was presented with evidence that, if believed, showed that the actions of the appellant directly led to him losing his employment. Thus, the court declined to reweigh the evidence and affirmed the decision disallowing the request for review. Appellant timely appeals.

II. ASSIGNMENTS OF ERROR

{¶ 9} Appellant assigns the following as trial court errors:

> [1.] The trial court applied the wrong legal standard of review by treating credibility determinations as dispositive instead of determining whether the decision was supported by reliable, probative, and substantial evidence.
>
> [2.] The finding of job abandonment is not supported by reliable, probative, and substantial evidence.
>
> [3.] Even accepting the employer's testimony as true, the conduct described does not legally constitute "just cause" for termination under Ohio law.

III. STANDARD OF REVIEW

{¶ 10} "The Unemployment Compensation Review Commission's determination of whether a claimant was discharged with just cause is appealable to the court of common pleas: '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.' " *Williams v. Ohio Dept. of Job & Family Servs.*, 2011-Ohio-2897, ¶ 20, quoting R.C. 4141.282(H). "This limited standard of review applies to all appellate courts." *Id.* "Thus, a reviewing court may not make factual findings or determine a witness's credibility and must affirm the commission's finding if some competent, credible evidence in the record supports it." *Id.* In other words, a reviewing court may not

reverse the commission's decision simply because " 'reasonable minds might reach different conclusions.' " *Id.*, quoting *Irvine v. Unemp. Comp. Bd. of Rev.*, 19 Ohio St.3d 15, 18 (1985). "The focus of an appellate court when reviewing an unemployment compensation appeal is upon the commission's decision, not the trial court's decision." *Mustafa v. St. Vincent Family Ctrs., Inc.*, 2012-Ohio-5775, ¶ 6 (10th Dist.).

IV. LEGAL ANALYSIS

{¶ 11} In his first assignment of error, appellant asserts that the trial court applied the wrong legal standard of review by treating credibility determinations as dispositive instead of determining whether the decision was supported by reliable, probative, and substantial evidence. We disagree.

{¶ 12} The trial court applied the correct standard of review. R.C. 4141.282(H) states that the court may reverse if it finds that the decision of the commission was unlawful, unreasonable, or against the manifest weight of the evidence. A decision is not against the manifest weight of the evidence if some competent, credible evidence in the record supports it. *Williams* at ¶ 20. Furthermore, in *Braun v. Indep. Taxi Cab Assn. of Columbus, Inc.*, 2011-Ohio-6056 (10th Dist.), this court said:

> [A] reviewing court does not make factual findings, determine the credibility of witnesses, or substitute its judgment for that of the commission; where the commission might reasonably decide either way, the courts have no authority to upset the commission's decision. . . . Rather, the court's duty or authority is to determine whether the evidence of record supports the commission's decision. . . . If some evidence supports the commission's decision, the reviewing court, whether a common pleas court or court of appeals, must affirm. . . . Where the board might reasonably decide either way, reviewing courts must leave the board's decision undisturbed.

(Citations omitted.) *Braun* at ¶ 15.

{¶ 13} We apply the rationale in *Braun* here. In reviewing the commission's decision, the trial court was not permitted to substitute its judgment for that of the administrative factfinder on issues of witness credibility. *See Houser v. Ohio Dept. of Job & Family Servs.*, 2011-Ohio-1593, ¶ 7 (10th Dist.) ("In reviewing commission decisions, a court is not permitted to make factual findings or reach credibility determinations."); *see also Waddell v. Barkan & Neff*, 62 Ohio App.3d 158, 161 (10th Dist. 1989) ("The credibility

of conflicting testimony and the weight to be given the evidence are basically matters for the referee and the board of review.").

{¶ 14} Our review is limited to whether competent, credible evidence in the record supports the finding. *Houser* at ¶ 15. Here, the hearing officer heard conflicting testimony and determined the manager's testimony was more credible. The manager's testimony established that appellant left work in the middle of his shift without permission. The trial court relied on that credibility determination and factual finding and concluded the commission's decision was not against the manifest weight of the evidence. Because the record contains competent, credible evidence supporting that determination, and because we may not substitute our judgment for that of the commission on credibility or factual issues, we overrule appellant's first assignment of error.

{¶ 15} Appellant's second assignment of error alleges that the finding of job abandonment is not supported by reliable, probative, and substantial evidence. The commission did not find that appellant abandoned his employment. Rather, it found appellant was discharged with just cause.

{¶ 16} Under *State ex rel. Diversitech Gen. Plastic Film Div. v. Indus. Comm. of Ohio*, 45 Ohio St.3d 381, 383 (1989), abandonment is primarily a question of intent which may be inferred from a claimant's words, acts, and other objective facts. Accordingly, the relevant circumstances surrounding appellant's separation from employment must be considered in determining whether he intended to abandon his employment. "Abandonment reflects a willful act within a person's control. It also implies intention not to return." *Waddell* at 161. However, "[t]he presence of such intent, being a factual question, is a determination for the commission." *State ex rel. Diversitech Gen. Plastic Film Div.* at 383. Whether an appellant has abandoned their job is a factual question. Thus, this court reviews the record for whether there is competent, credible evidence supporting a finding of abandonment.

{¶ 17} In *Barrett v. Dir., Ohio Dept. of Job & Family Servs.*, 2022-Ohio-2152, ¶ 26 (10th Dist.), this court held that the claimant voluntarily abandoned his employment because he left work without communicating with his employer or making a reasonable effort to stay employed. *Id.* Further, this court is not permitted to make factual findings or

credibility determinations when reviewing commission decisions. *Houser*, 2011-Ohio-1593, at ¶ 7 (10th Dist.).

{¶ 18} Appellant asked to discuss the paperwork he was owed with the manager. The manager alleged that he was busy at the time, and when appellant became agitated the manager said, "Hey, if you feel that way, you're more than welcome to leave." (Tr. at 134.) The manager then said, "Well, if you leave, I'm just letting you know that you're no longer employed." *Id.* at 133. The manager maintained that he did not fire appellant, but made it clear that if appellant left, he was terminated. Further, before leaving appellant said, "F*** this job." *Id.* at 127. A factfinder might reasonably interpret that evidence as intending to abandon the job. While not exactly like *Barrett*, the commission found that appellant walked off in the middle of his shift making no effort to stay employed. Therefore, we apply the rationale of *Barrett* in holding that there is competent, credible evidence that appellant sought to abandon his job. Accordingly, the second assignment of error is overruled.

{¶ 19} Appellant's third assignment of error alleges that, even accepting the employer's testimony as true, the conduct described does not legally constitute "just cause" for termination under Ohio law. We disagree.

{¶ 20} R.C. 4141.29(D) states that "no individual may . . . be paid benefits . . . [f]or the duration of the individual's unemployment if the director finds that . . . [he] quit [his] work without just cause or has been discharged for just cause in connection with [his] work . . ." R.C. 4141.29(D)(2)(a). Under Ohio law, "an employment relationship with no fixed duration is deemed to be at will, which means that the employee is free to seek employment elsewhere, and the employer may terminate the employment relationship at any time, even without cause." *Welch v. Finlay Fine Jewelry Corp.*, 2002 Ohio App. LEXIS 503, *5 (10th Dist. Feb. 12, 2002). "The Supreme Court of Ohio has, however, recognized two exceptions to the employment-at-will doctrine: the existence of implied or express provisions that alter the terms of discharge and, pertinent to the instant matter, the existence of promissory estoppel where representations or promises have been made to an employee." *Id.*, citing *Wright v. Honda of Am. Mfg., Inc.*, 1995-Ohio-114, ¶ 10. Appellant has not offered any facts or arguments that support either exception.

{¶ 21} Nonetheless, we will analyze whether there was just cause for the discharge. "Just cause is conduct that would lead a person of ordinary intelligence to conclude the

surrounding circumstances justified the employee's discharge." *Chambers v. Ohio Dept. of Job & Family Servs.*, 2007-Ohio-1493, ¶ 7 (10th Dist.). Just cause for discharge exists where " 'the employee, by his actions, [has] demonstrated an unreasonable disregard for his employer's best interests.' " *Mayes v. Bd. of Review, Ohio Bur. of Emp. Servs.*, 32 Ohio App.3d 68, 513 (10th Dist. 1986), quoting *Kiikka v. Ohio Bur. of Emp. Servs.*, 21 Ohio App.3d 168, 169 (8th Dist. 1985).

{¶ 22} Furthermore, just cause determinations must be consistent with the underlying legislative purpose of the Unemployment Compensation Act. *Tzangas, Plakas & Mannos v. Ohio Bur. of Emp. Servs.*, 1995-Ohio-206, ¶ 15. The Unemployment Compensation Act exists " 'to enable unfortunate employees, who become and remain involuntarily unemployed by adverse business and industrial conditions . . .' " (Emphasis deleted.) *Irvine*, 19 Ohio St.3d at 17, quoting *Leach v. Republic Steel Corp.*, 176 Ohio St. 221, 223 (1964). The intention of the act is "to provide financial assistance to an individual who had worked, was able and willing to work, but was temporarily without employment through no fault or agreement of his own." *Salzl v. Gibson Greeting Cards, Inc.*, 61 Ohio St.2d 35, 39, 399 (1980). The act exists to protect individuals from economic forces that are out of their control. *Tzangas, Plakas & Mannos* at ¶ 16. "When an employee is at fault, he is no longer the victim of fortune's whims, but is instead directly responsible for his own predicament. Fault on the employee's part separates him from the Act's intent and the Act's protection." *Id.* It follows that "just cause under the Unemployment Compensation Act is predicated upon employee fault." *Hicks v. Ohio Dept. of Job & Family Servs.*, 2014-Ohio-2735, ¶ 33 (10th Dist.), citing *Tzangas, Plakas & Mannos* at ¶ 16.

{¶ 23} We find that the record includes competent, credible evidence supporting the hearing officer's conclusion that appellant was discharged for just cause. The manager claimed that he said they would talk about the paperwork. The appellant allegedly became aggressive, left his shift without permission, and was terminated for job abandonment. A person of ordinary intelligence would conclude that a restaurant may justifiably expect its employees to complete their scheduled shifts and act professionally amongst each other. Thus, the record contained competent and credible evidence that appellant's behavior was inconsistent with, and showed an unreasonable disregard for, the best interests of his employer. Accordingly, we overrule appellant's third assignment of error.

V. CONCLUSION

{¶ 24} Having overruled appellant's three assignments of error, we affirm the judgment of the Franklin County Court of Common Pleas.

Judgment affirmed.

DORRIAN and DINGUS, JJ., concur.
