

IN THE COURT OF APPEALS OF OHIO
SIXTH APPELLATE DISTRICT
LUCAS COUNTY

Shannon E. Williams

Court of Appeals No. L-10-1154

Appellee

Trial Court No. CI0200905404

v.

LensCrafters, Inc.

Defendant

DECISION AND JUDGMENT

[Director, Ohio Department of Job
and Family Services—Appellant]

Decided: March 4, 2011

* * * * *

Mike DeWine, Attorney General of Ohio, and Eric A. Baum,
Managing Attorney, for appellant.

* * * * *

OSOWIK, P.J.

{¶ 1} This is an appeal from a judgment of the Lucas County Court of Common Pleas which granted appellee's administrative appeal from a decision of the Unemployment Compensation Review Commission ("UCRC") that had denied appellee's

claim for unemployment benefits. For the reasons set forth below, this court vacates the judgment of the trial court and reinstates the UCRC decision.

{¶ 2} Appellant, Director of the Ohio Department of Job and Family Services ("ODJFS"), sets forth the following sole assignment of error:

{¶ 3} "The notice of appeal filed by the appellee, Shannon Williams, was filed beyond the statutory thirty-day appeal period. The lower court, accordingly, lacked subject-matter jurisdiction to consider her R.C. 4141.282 administrative appeal. It, therefore, erred in denying the motion to dismiss filed by the appellant, Director, Ohio Department of Job and Family Services."

{¶ 4} The following undisputed facts are relevant to the issues raised on appeal. This case stems from a disputed unemployment compensation claim filed by appellee. On October 31, 2008, subsequent to termination from employment by LensCrafters, Inc., appellee filed a claim for unemployment benefits. On November 19, 2008, the claim was allowed. The allowance was affirmed on redetermination.

{¶ 5} On January 26, 2009, appellant filed an appeal of the allowance and the matter was transferred to the UCRC. On April 1, 2009, the UCRC reversed the prior allowance of benefits. Appellee requested final administrative review. On April 28, 2009, the request was denied and the parties were notified of the 30-day statutory timeframe in which an appeal could be filed with the common pleas court.

{¶ 6} On June 30, 2009, approximately one month subsequent to the expiration of the statutory time for filing an appeal, appellee filed an administrative appeal to the

common pleas court. Although appellee incorrectly attempted to file prior to the deadline, the appeal was not filed until one month after the deadline.

{¶ 7} In the sole assignment of error, appellant asserts that the trial court lacked jurisdiction over appellee's R.C. 4141.282 administrative appeal. In support, appellant emphasizes the untimely filing of same.

{¶ 8} R.C. 4141.282(A) unambiguously establishes that, "Any interested party, within 30 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." Consistent with this statutory filing deadline, R.C. 4141.282(C) establishes that, "The timely filing of the notice of appeal shall be the only act required to perfect the appeal and vest jurisdiction in the court."

{¶ 9} Relevant precedent demonstrates a strict interpretation of the enforceability of the statutory filing deadline. As succinctly held by this court, "the only reason that an appeal period may be extended when appealing to the common pleas court is when the appeal deadline falls on a Saturday, Sunday, or holiday or the party did not receive the decision within the 30-day appeal period." *Tru-Way Design & Eng., Inc. v. Wilson*, 6th Dist. No. L-07-1240, 2008-Ohio-475.

{¶ 10} We have carefully reviewed and considered the record of evidence in this matter. The record fails to show the existence of any of the limited potential bases for extension of the filing deadline so as to have conceivably vested jurisdiction in the trial

court given the undisputed untimely filing. As such, the trial court's jurisdiction was not properly invoked. Accordingly, the trial court erred in its consideration of the matter and in denying appellant's motion to dismiss the appeal for lack of jurisdiction.

{¶ 11} We find appellant's assignment of error well-taken. The judgment of the Lucas County Court of Common Pleas is void for lack of jurisdiction and is vacated. The UCRC's April 28, 2009 decision is reinstated. Appellee is ordered to pay the costs of this appeal pursuant to App.R. 24.

JUDGMENT VACATED.

A certified copy of this entry shall constitute the mandate pursuant to App.R. 27. See, also, 6th Dist.Loc.App.R. 4.

Peter M. Handwork, J.

JUDGE

Mark L. Pietrykowski, J.

JUDGE

Thomas J. Osowik, P.J.
CONCUR.

JUDGE

This decision is subject to further editing by the Supreme Court of Ohio's Reporter of Decisions. Parties interested in viewing the final reported version are advised to visit the Ohio Supreme Court's web site at:
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