

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

Christina Hamilton

Court of Appeals No. L-26-00008

Appellant

Trial Court No. CI2025-03137

v.

Bridgeport Equipment & Tool, LTD., et
al

DECISION AND JUDGMENT

Decided: September 25, 2026

Appellee

* * * * *

Corey J. Kuzma, for appellant.

Erik A. Schramm, for appellee, Bridgeport Equipment & Tool, LTD.

Shelly R. Kennedy, for appellee, Bureau of Workers' Compensation

* * * * *

ZMUDA, J.,

I. Introduction

{¶ 1} Appellant, Christina Hamilton, appeals from the December 12, 2025 judgment of the Lucas County Court of Common Pleas dismissing her appeal of the Ohio Bureau of Workers' Compensation's denial of her claim for death benefits under Ohio's

workers' compensation program. For the following reasons, we reverse the trial court's judgment.

II. Facts and Procedural Background

{¶ 2} On June 2, 2024, appellant's husband was involved in an automobile accident in Scioto County, Ohio. He died from injuries sustained in the accident on August 29, 2024. Appellant filed a claim for death benefits with the Ohio Bureau of Workers' Compensation ("BWC") on November 11, 2024. Appellant alleged that her husband's death occurred in the course and scope of his employment with appellee Bridgeport Equipment & Tool, Ltd. ("BET"). BET is a Kentucky-based business.

{¶ 3} Appellant's claim was denied at each stage of the BWC's administrative proceedings. Specifically, the BWC District Hearing Officer held that the Ohio BWC lacked jurisdiction over appellant's claims based on his employment with a Kentucky company. Appellant appealed that determination to a BWC Staff Hearing Officer who denied appellant's claim finding that appellant's husband was not acting in the course and scope of his employment at the time of the accident rather than on jurisdictional grounds. The Ohio Industrial Commission ("OIC") declined to hear further appeal of appellant's claim on June 24, 2025.

{¶ 4} After receiving notice of the OIC's refusal to hear her appeal, appellant filed a notice of appeal in the Lucas County Court of Common Pleas on August 25, 2025, pursuant to R.C. 4123.512. Appellant filed her petition seeking review of the BWC denial of benefits contemporaneous with her notice of appeal. The notice of appeal and petition named BET and the BWC as appellees.

{¶ 5} On September 23, 2025, BET filed a motion to dismiss. It argued that appellant’s petition improperly alleged that the decedent had been employed in Lucas County, Ohio rather than Kentucky and that the petition sought benefits for an “occupational disease” rather than the death benefits denied by the BWC. As a result, it argued, the trial court lacked subject matter jurisdiction over the appeal. Alternatively, BET sought a transfer of venue to Scioto County where the underlying accident occurred. BWC filed a motion to transfer venue to Scioto County on September 25, 2025, citing R.C. 4123.512(A), which requires the appeal to be filed in the court of common pleas of the county where the accident occurred.

{¶ 6} On November 14, 2025, after obtaining an extension of time to respond to the motions, appellant filed a “motion to stay” the briefing schedule pending the trial court’s ruling on BWC’s motion to transfer venue. Appellant stated that she did not object to the BWC’s transfer request. BET opposed appellant’s motion to stay and filed a renewed motion to dismiss, again arguing that the trial court lacked subject matter jurisdiction over the appeal.

{¶ 7} The trial court granted BET’s motion to dismiss on December 12, 2025. The trial court determined that the petition “fails to contain any connection to the Court of Common Pleas of Lucas County and State of Ohio pertaining to [appellant’s] requested relief.” It denied all other pending motions as moot and dismissed appellant’s claim.¹

¹ Prior to filing her notice of appeal, appellant filed a Civ.R. 60(B) motion for relief from judgment seeking relief from the dismissal and requesting the court transfer the action to Scioto County. We remanded her appeal to the trial court to rule on that pending motion.

III. Assignments of Error

{¶ 8} Appellant timely appealed and asserts the following errors for our review:

1. The trial court erred and abused its judgment when it failed to transfer venue upon being notified the case was filed within the wrong county.
2. The trial court erred and abused its discretion in granting appellee's motion to dismiss for lack of subject matter jurisdiction and/or failure to state a claim upon which relief can be granted, or in the alternative, motion to transfer due to improper venue.

Because they are resolved through the same analysis, we address appellant's assigned errors jointly.

IV. Law & Analysis

{¶ 9} Each of appellant's assigned errors challenges the trial court's dismissal of its appeal of the BWC's denial of death benefits rather than transferring the action to Scioto County. Appellant and BET agree that Scioto County, Ohio is where the accident occurred.² R.C. 4123.512(A) states "[t]he claimant or employer may appeal an order of the industrial commission * * * in any injury or occupational disease case, other than a decision as to the extent of disability to the court of common pleas of the county in which the injury was inflicted[.]" "R.C. 4123.512(A) confers *jurisdiction* * * * on the court located in the county in which the workers' injury was inflicted." (Emphasis in original.) *Ramey v. Quality Mold, Inc.*, 2005-Ohio-2211, ¶ 27 (6th Dist.), citing *Morrison v. Steiner*, 32 Ohio St.2d 86 (1972). It is undisputed, then, that Scioto County had

The trial court denied appellant's motion on February 20, 2025, and we reinstated appellant's appeal.

² BWC did not file a brief in this appeal.

jurisdiction over appellant's appeal of the administrative denial of benefits. Therefore, the trial court correctly found that it lacked subject matter jurisdiction over the appeal.

{¶ 10} Generally, when a party seeks judicial review of an administrative decision, the “[f]ailure to comply with the statutory requirements that confer subject matter jurisdiction cannot be waived and when called to the attention of the court at any time, the court shall dismiss the action.” *LeMarin Condominium Unit Owners Assn. v. Bd. of revision of Ottawa Cty.*, 2008-Ohio-2379, ¶ 8 (6th Dist.). However, R.C. 4123.512(D) provides:

[i]f an action has been commenced in a court of a county other than a court of a county having jurisdiction over the action, the court, upon notice by any party or upon its own motion, shall transfer the action to a court of a county having jurisdiction.

This “safe harbor” provision requires the transfer of a claimant's improperly filed appeal in a county that lacks jurisdiction to the court that is granted jurisdiction under the statute. *Spencer v. FHI, LLC*, 2010-Ohio-5288, ¶ 14 (2d Dist.); *See also Blumensaadt v. Ohio Indus. Comm.*, 2012-Ohio-4796 (9th Dist.). As a result, the trial court was required to transfer the action to the Scioto County Court of Common Pleas rather than dismissing it. The failure to do so was error and we find appellant's first and second assignments of error well-taken.³

³ We note that this analysis applies to BET's argument that appellant improperly alleged that her husband suffered from an occupational disease rather than an injury. Appellant's petition indeed identifies the nature of the claim as arising from an occupational disease in a single paragraph rather than her husband's death as identified in all other parts of the petition. Our analysis is unaffected by BET's argument that this apparently misstated claim warranted dismissal of the petition as the same subject matter jurisdiction standards

V. Conclusion

{¶ 11} For these reasons, we find appellant’s first and second assignments of error well-taken and we reverse the December 12, 2025 judgment of the Lucas County Court of Common Pleas. We remand this matter to the trial court to order the transfer of appellant’s claim to the Scioto County Court of Common Pleas in accordance with R.C. 4123.512(D). *See Blumensaadt* at ¶ 9.

{¶ 12} Appellees are ordered to pay the costs of this appeal pursuant to App.R. 24.

Judgment reversed and remanded.

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

Thomas J. Osowik, P.J.

JUDGE

Gene A. Zmuda, J

JUDGE

Myron C. Duhart, 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:
<http://www.supremecourt.ohio.gov/ROD/docs/>.

apply to benefit claims arising from either an injury or an occupational disease pursuant to R.C. 4123.512(A). To the extent appellant sought to appeal the denial of benefits related to an occupational disease, the trial court would have also been obligated to transfer that appeal to Scioto County pursuant to R.C. 4123.512(D) rather than ordering it dismissed.