



D117647655

IN THE COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

COURT OF COMMON PLEAS
ENTER
HON. CHARLES J. KUBICKI, JR.
THE CLERK SHALL SERVE NOTICE
TO PARTIES PURSUANT TO CIVIL
RULE 59 WHICH SHALL BE TAXED
AS COSTS HEREIN 3/20/2017

ENTERED
MAR 20 2017

MICHELE NUTINI,

Appellant,

vs.

OHIO UNEMPLOYMENT

Appellee.

Case No. A 1606844

Judge Charles J. Kubicki Jr.

ENTRY ADOPTING THE
MAGISTRATE'S DECISION

The Ohio Department of Job & Family Services ("ODJFS") filed a Motion to Dismiss this unemployment compensation appeal after the Appellant failed to name interested parties. The Magistrate found that the Appellant did not comply with R.C. 4141.282 (D). The Magistrate dismissed the appeal after consideration of the pleadings and oral argument. The objection period has expired and no objections to the decision were filed nor were there any extensions granted. WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the Magistrate's Decision is hereby AFFIRMED.

Costs are to be paid by the Appellant. This is the final appealable order. There is no just reason for delay.

FOR COURT USE ONLY
S. C. Line #: 10

JUDGE CHARLES J. KUBICKI JR.

MAGISTRATE

MAR 10 2017

HAS SEEN

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RENDERED THIS 17th DAY OF FEBRUARY, 2017

BACKGROUND

On December 14, 2016, the Appellant filed a pleading attempting to appeal an unemployment compensation appeal. The only named Appellee is "Ohio Unemployment." On January 13, 2017, the Director of Ohio Department of Job and Family Services (ODJFS) filed a Motion to Add ODJFS as a party and a Motion to Dismiss Appellant's appeal for failure to name interested parties. In the Motion to Dismiss, ODJFS contends that the Appellant, in the caption of the Notice of Appeal, failed to name ODJFS and Appellant's employer as required under R.C. 4141.282 (D). ODJFS argues that the Appellant failed to name any interested party because "Ohio Unemployment" is not a legal entity or an interested party. ODJFS urges this Court to dismiss this unemployment compensation appeal because the thirty-day time for appeal under R.C. 4141.282 (A) has run and the Appellant is not permitted to start over and

draft a new appeal that would comply with the mandates of R.C. 4141.282 (A) and R.C. 4141.282 (D) as this would extend the thirty-day appeal time.

DECISION

The Appellant contends that she did not know that she had to list ODJFS in her appeal. The Motions of ODJFS are well-taken. The Notice of Appeal does not comply with R.C. 4141.282 (D) that requires the Appellant “to name all interested parties as appellees in the notice of appeal.” The Decision of the Ohio Unemployment Compensation Review Commission identified exactly who the interested parties were. Therefore, the Motions of ODJFS are hereby GRANTED. This case is DISMISSED.



**MICHAEL L. BACHMAN
MAGISTRATE,
COURT OF COMMON PLEAS**

NOTICE

Objections to the Magistrate’s Decision must be filed within fourteen days of the filing date of the Magistrate’s Decision. A party shall not assign as error on appeal the court’s adoption of any factual finding of fact or legal conclusion, whether or not specifically designated as a finding of fact or conclusion under Civ.R. 53(D)(3)(a)(ii), unless the party timely and specifically objects to that factual finding or legal conclusion as required by Civ.R. 53(D)(3)(b).

Copies sent by Clerk of Courts to:

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT COPIES OF THE FOREGOING DECISION HAVE BEEN SENT BY ORDINARY MAIL TO ALL PARTIES OR THEIR ATTORNEYS AS PROVIDED ABOVE.

Date: 2/17/17

Deputy Clerk: 