

**IN THE COURT OF COMMON PLEAS  
FAIRFIELD COUNTY, OHIO**

**FILED**

2012 MAY 25 AM 8:15

**Shana M. Hoey,**  
  
**Appellant,**  
  
**v.**  
  
**Interim Healthcare of Columbus, Inc.,**  
**et al.,**  
  
**Appellees.**

**Case No. 2011 CV 1112**  
**JUDGE CHRIS A. MARTIN**  
**DEBORAH SMALLEY  
CLERK OF COURTS  
FAIRFIELD CO. OHIO**

**JUDGMENT ENTRY**

This matter comes before the court as an Appeal filed pursuant to R.C. 4141.282, appealing the decision of the Ohio Unemployment Compensation Review Commission finding that Appellant was discharged by Appellee Interim Healthcare of Columbus, Inc. for just cause. The matter has been fully briefed by all of the parties and is now before the court for decision.

R.C. 4141.282(H) sets forth the applicable standard of review of a Commission's determination:

"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."

A reviewing court is not permitted to 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. *Irvine v. Unemp. Comp. Bd. Of Review* (1985), 19 Ohio St.3d 15, 17-18, 482 N.E.2d 587. See, also, *DeMattio v. Ohio Dept. of Job & Family Servs.* Tuscarawas App. No. 11AP010004, 2011-Ohio-4901. Every reasonable presumption must be made in favor of the [decision] and the findings of facts [of the

Review Commission]. *Ro-Mai Industries, Inc. v. Weinberg*, 176 Ohio App.3d 151, 2008-Ohio-301, 891 N.E.2d 348 at ¶ 7, quoting *Karches v. Cincinnati* (1988), 38 Ohio St.3d 12, 19, 526 N.E.2d 1350. "[I]f the evidence is susceptible of more than one construction, we must give it that interpretation which is consistent with the verdict and judgment, most favorable to sustaining the trial court's verdict and judgment." *Karches*, 38 Ohio St.3d at 19, 526 N.E.2d 1350.

Upon review of the record in this matter and the applicable statutory and case law, this court finds that the Decision of the Ohio Unemployment Compensation Review Commission, finding that Appellee Interim Healthcare of Columbus, Inc. discharged Appellant Shana Hoey for just cause, and denying unemployment compensation benefits to Appellant, was not unlawful, unreasonable, or against the manifest weight of the evidence and, thus, pursuant to R.C. 4141.282(H) is **AFFIRMED**.

Costs to Appellant.

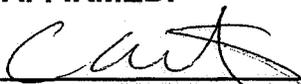
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Pursuant to Civ.R. 58(B), the Clerk is hereby directed to serve upon all parties not in default for failure to appear, notice of this Judgment and its date of entry upon the journal. This is a final appealable order.

  
CHRIS A. MARTIN, JUDGE

  
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