

ORIGINAL

IN THE SUPREME COURT OF OHIO

SEAN W. GALLAGHER

Appellant,

vs.

**ALLIANCE HOSPITALITY
MANAGEMENT LLC, et al.**

Appellees.

**CASE NUMBER
2010-0724**

**On Appeal from the Stark County
Court of Appeals, Fifth Appellate
District**

**Court of Appeals Case Number
2009 CA 00164**

**MOTION FOR RECONSIDERATION
OF APPELLANT, SEAN W. GALLAGHER**

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The decision of the Supreme Court of Ohio to decline jurisdiction to hear case number 2010-0724 from the Stark County Court of Appeals, Fifth Appellate District, case number 2009 CA 00164, is disturbing. The Appellant is respectfully submitting a motion for reconsideration to this Honorable Court based on the evidence from the record of this case.

The Appellant has submitted to the ODJFS, UCRC, Stark County Court of Common Pleas, Stark County Court of Appeals, Fifth Appellate District, and in memorandum to the Supreme Court of Ohio undisputable evidence that supports the Appellant's position that false, misleading, and manufactured documents were used by the State of Ohio to obtain decisions that unjustly deny the Appellant the right to unemployment compensation benefits. The record clearly shows that the Appellee's Exhibit A has effected decisions made at every level of this unemployment compensation case. The Appellee's Exhibit A is an ODJFS application summary form that lists address, residing county, trade/occupation, and "quit" as the reason for separation that pertains to a previous 2001 unemployment compensation claim filed by the Appellant. The Appellee's Exhibit A was determined by the December 17, 2007 ODJFS Director's Redetermination as not applicable to this claim and had absolutely no relevance to the claim before this Honorable Court. Based on that ODJFS Director's Redetermination, the Appellant was allowed 26 weeks of unemployment compensation benefits, determined that the Appellant was not the moving party in the employer/employee separation, and that a "quit" did not occur. The information on the ODJFS application summary form was supposed to be corrected by the ODJFS but the incorrect information was transferred to the UCRC for hearing. The Appellant filed a memorandum in support of jurisdiction to the Supreme Court of Ohio on April 26, 2010 which clearly explained how the State of Ohio erred by using this document as their evidence against the Appellant.

The Appellant has respectfully observed all elements of procedure to present these errors to the Lower Courts. The only remaining remedy is through the Supreme Court of Ohio to reconsider

the July 21, 2010 decision to decline jurisdiction in this matter. The State of Ohio, under the direction of the Attorney General, has knowingly submitted false, misleading, and manufactured documents as their evidence against the Appellant. For the State of Ohio to promote ethical misconduct for the purpose of unjustly denying the Appellant assistance needed from unemployment compensation benefits is unlawful, unreasonable, and against the manifest weight of the evidence and has caused an incredible injustice.

Substantial constitutional questions are raised when a citizen is prosecuted based on false, misleading, and manufactured documents with the clear intent to unjustly deny that person the right to unemployment compensation benefits needed for his welfare. Further constitutional questions are raised when the ethical misconduct perpetrated by the State of Ohio is unlawfully extended to stand in the way of or unlawfully block that person's right to federally funded unemployment compensation benefits by using the same false, misleading, and manufactured documents. The record clearly shows that a "quit" did not occur but was developed from unlawfully manufactured documents produced by the State of Ohio against the Appellant and violates his right to a fair hearing.

The question before this Honorable Court is how the State of Ohio could create this incredible injustice upon the Appellant by using a false, misleading, and manufactured document from a previous 2001 unemployment compensation claim to determine the Appellant's eligibility for unemployment compensation benefits.

Respectfully submitted,



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CERTIFICATE OF SERVICE

A copy of this Motion for Reconsideration of Appellant, Sean W. Gallagher, was served to Laurel Blum Mazorow, Assistant Attorney General, State Office Building, 11th Floor, 615 West Superior Avenue, Cleveland, Ohio 44113-1899 and David E. Schreiner and Mark E. Snyder, Attorneys at Law, 9150 South Hills Boulevard, Suite 300, Cleveland, Ohio 44147-3599 by regular U.S. mail on the 29th day of July, 2010.



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