

ORIGINAL

IN THE SUPREME COURT OF OHIO

Glenda L. Hill-Foster,

Appellant,

v.

Industrial Commission of Ohio,

Appellees.

Case No. 14-2253

On Appeal from the Franklin

County Court of Appeals, Tenth

Appellate District

Case No. 14AP-335

---

MOTION OF APPELLANT TO EXPEDITE

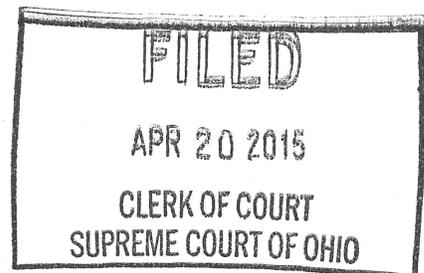
---

Glenda L. Hill-Foster, Pro se  
Appellant  
6800 Albany Glen  
New Albany, Ohio 43054  
614-589-8688

Appellees:

**BRIAN D. HALL (0029425)**  
**Porter, Wright, Morris & Arthur, LLP**  
**41 South High Street, 32<sup>nd</sup> Floor**  
**Columbus, Ohio 43215**  
**(614) 227-2287 - Tel.**  
**(614) 227-2100 - Fax**  
**bhall@porterwright.com**  
**Counsel for Defendant/Respondent,**  
**NetJets Services, Inc.**

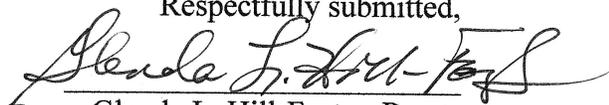
**MICHAEL DEWINE (0009181)**  
**Ohio Attorney General**  
**KEVIN J. REIS (0008669)**  
**Assistant Attorney General**  
**Worker's Compensation Section**  
**150 East Gay Street, 22<sup>nd</sup> Floor**  
**Columbus, Ohio 43215-3130**  
**(614) 466-6699 - Tel.**  
**(614) 728-9535 - Fax**  
**Kevin.Reis@OhioAttorneyGeneral.gov**  
**Counsel for Defendant/Respondent,**  
**Industrial Commission of Ohio**



## MOTION OF APPELLANT FOR RECONSIDERATION

Pursuant to S.Ct.Prac.R. 18.02(B) (3), and for the reasons stated in the attached MEMORANDUM IN SUPPORT, Appellant respectfully requests that this Court reconsider its disposition of the present case.

Respectfully submitted,



Glenda L. Hill-Foster, Pro se  
Appellant

## MEMORANDUM IN SUPPORT

The Respondent-Appellee filed its MOTION TO DISMISS FOR LACK OF JURISDICTION / MEMORANDUM IN SUPPORT stating that the decision of the Magistrate is not a final judgment entry or a final appealable order and, accordingly, this Court does not have jurisdiction to hear the appeal.

This Court dismissed on March 11, 2015.

The Appellant respectfully requests that this Court expedite reconsideration its denial of Jurisdiction.

IN THE SUPREME COURT OF OHIO

Glenda L. Hill-Foster,

Appellant,

v.

Industrial Commission of Ohio,

Appellees.

Case No. 14-2253

On Appeal from the Franklin

County Court of Appeals, Tenth

Appellate District

Case No. 14AP-335

---

MOTION OF APPELLANT FOR RECONSIDERATION

---

Glenda L. Hill-Foster, Pro se  
Appellant  
6800 Albany Glen  
New Albany, Ohio 43054  
614-589-8688

Appellees:

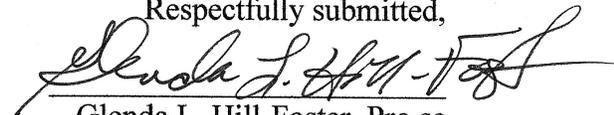
**BRIAN D. HALL (0029425)**  
**Porter, Wright, Morris & Arthur, LLP**  
**41 South High Street, 32<sup>nd</sup> Floor**  
**Columbus, Ohio 43215**  
**(614) 227-2287 - Tel.**  
**(614) 227-2100 - Fax**  
**bhall@porterwright.com**  
**Counsel for Defendant/Respondent,**  
**NetJets Services, Inc.**

**MICHAEL DEWINE (0009181)**  
**Ohio Attorney General**  
**KEVIN J. REIS (0008669)**  
**Assistant Attorney General**  
**Worker's Compensation Section**  
**150 East Gay Street, 22<sup>nd</sup> Floor**  
**Columbus, Ohio 43215-3130**  
**(614) 466-6699 - Tel.**  
**(614) 728-9535 - Fax**  
**Kevin.Reis@OhioAttorneyGeneral.gov**  
**Counsel for Defendant/Respondent,**  
**Industrial Commission of Ohio**

## MOTION OF APPELLANT FOR RECONSIDERATION

Pursuant to S.Ct.Prac.R. 18.02(B) (3), and for the reasons stated in the attached MEMORANDUM IN SUPPORT, Appellant respectfully requests that this Court reconsider its disposition of the present case.

Respectfully submitted,

  
Glenda L. Hill-Foster, Pro se  
Appellant

## MEMORANDUM IN SUPPORT

The Respondent-Appellee filed its MOTION TO DISMISS FOR LACK OF JURISDICTION / MEMORANDUM IN SUPPORT stating that the decision of the Magistrate is not a final judgment entry or a final appealable order and, accordingly, this Court does not have jurisdiction to hear the appeal.

This Court dismissed on March 11, 2015.

The Appellant respectfully requests that this Court expedite reconsideration its denial of jurisdiction.

I wish to ask the court to expedite reconsideration of my case for the following reasons stating that the case was not read or just overlooked. The concern per Supreme Court policy is not to correct errors in the lower court's decision but to decide issues of importance beyond the facts of parties which means, Glenda Hill-Foster believes the interpretation is of her appeal is due to bureaucracy. While being spiritual minded, as women of integrity who have worked and an American citizen and understand the expiration of the stature of limitations. However, to

cover all women or minorities while bringing up this important issue as an individual and public we see in the articles listed below where it was overturned several times in those cases. We are asking the same.

However, because of the steps and procedures to make sure an authoritative person makes the right decision with processing my claim for many of us in the workforce who love the jobs and had longevity and building a future, we often let office antics in the workplace cause injury and illness to others and many would fall in this category and be terminated without cause. The industrial commission I feel is overlooking the fact I filed to get a number (in which I did do so) to secure a place of help if needed in the future because I was and I am still under doctor's care.

Medical expenses are expensive and the lack of resources ruins the excellent credit a person who worked hard as many of us may have done so to build our lives for the better. However, the years that were put in to a livelihood in building the American Dream for many minorities are being mishandled and improper procedures utilized pertaining to any life of others. A person's life changes tremendously when they have undergone major spinal, shoulder and major neck surgery. Any person would not want to waste anyone's time or keep putting money in the states lawyers pocket to keep a person from getting help to survive what they put into the system working for all these years. Anyone in my place would have just causes to fight for their livelihood. I feel anybody in a situation such as this would be morally right. There was no escalation of a claim because of never receiving anything to respond to bringing it back to the mailbox rule. Also, being a very sick individual myself and

barely functioning still not to the capacity where I once was. I believe we have all seen families and love ones that have suffered sickness to know just what is being said. However, due to bureaucracy my award letter shows as of 2009 I was considered disabled and unable to work even though I had to wait for the bureaucracy to see something in writing is another reason why I feel that it's an injustice to anyone and this reflects on me and the public putting a burden on anyone that is unaware that they can appeal. I reiterate constantly appealing for my livelihood without question because of the two year Ohio Stature. I was not aware due to the social security which processed my claim to make a decision that resolved that made me disabled as of June 2009. I did not know I was going to be disabled. Is there no decency in America for any people? I am American!!! Officially I could not get something before the two years stature which would relate to the public's assertiveness and their legal rights. I ask for expediting reconsideration of my case for reconsideration. Also, the magistrate slandering a person because of his belief stating that he couldn't believe that I did not know and the representative for the attorney general's office Kevin Reis for the state of Ohio slandered, stating he has the license not me and who do I think I am. He does not know me and this is degrading to me in questioning me about my abilities, in a covert manner name calling a person incompetent for fighting for livelihood to survive being homeless in America instead of fulfilling their dreams. Many people were achieving their dreams and goals before life setbacks not of their doing to alter their successes and means for survival. I am a member of the minority society who's fighting for my

livelihood. If the case was for him he would be doing the same but not to the level we have to endure. Let the court records shows that magistrate and representatives stated that both attorneys I obtained are well versed, well known and experienced law attorneys with Workman Compensation law. I have been verbally coerced in believing that I have no rights because of the stature. Because of the legal terminology called the "mailbox rule" that it is presumed that any official states they mailed something that no one can rebuttal because of so call presumption, which is documented in the court records. I will continue to appeal because I feel as a woman and minority, anybody of profile could be misinterpreted and this is why we are now at the Supreme Court level which is the final rule and appeal for expediting reconsideration to read and review a case because of time and a person's livelihood. I ask the court to expedite reconsideration in reviewing my case knowing this does not just affect me but the whole industry for all minorities reaching out to our legal system for justice to make things right.

Respectively, this Court's intervention is needed to bring the Tenth District back in line with the rest of the State on the proper standards for determining jurisdiction to hear an R.C. 4123.512 Appeal. 2010-2138. we cite Spencer v. Freight Handlers, Inc., Slip Opinion No. 2012-Ohio-880

Miami App. No. 09-CA-44, 2010-Ohio-5288. Judgment of the court of appeals affirmed.

Spencer appealed the common pleas court's judgment. On review, the Twelfth District Court of Appeals reversed and remanded the case to the trial court for further proceedings. The appeals court held that "failure to name the Administrator in the notice of appeal or to serve the Administrator with the notice of appeal does not deprive a court of common pleas of subject matter jurisdiction to hear an R.C. 4123.512 appeal."

Writing for the court's decision, Justice Lanzinger noted that Spencer, the prevailing party in the court of appeals, did not file an appellee brief with the Supreme Court, but the court did receive amicus curiae (friend of the court) briefs supporting the Twelfth District's decision from the Ohio Association of Claimants' Counsel and the Ohio Association for Justice. She wrote that resolution of the case hinged on which of two conflicting interpretations of R.C. 4123.512(B) the court found more persuasive.

Justice Lanzinger wrote: "The statute ... sets forth, in the first paragraph of R.C. 4123.512(B) (which consists of one sentence), what a valid notice of appeal must contain: 'The notice of appeal shall state the names of the claimant and the employer, the number of the claim, the date of the order appealed from, and the fact that the appellant appeals there from' The next paragraph of subsection (B) states: 'The administrator of workers' compensation, the claimant, and the employer shall be parties to the appeal and the court, upon the application of the commission, shall make the commission a party. The party filing the appeal shall serve a copy of the notice of appeal on the administrator at the central office of the bureau of workers' compensation in Columbus.'"

"The amici in this case assert that the first paragraph of R.C. 4123.512(B) lists the jurisdictional items: (1) the claimant's name, (2) the employer's name, (3) the claim number, (4) the date of the order appealed from, (5) and the fact that the appellant is appealing that order. They contend that the second paragraph, which states that the administrator must be a party to the appeal and that the party filing the appeal must serve a copy of the notice of appeal on the administrator, is not a paragraph addressing jurisdiction."

"The appellant, the administrator, argues that both subsection (A) and subsection (B) of R.C. 4123.512 are jurisdictional because those subsections contain the statutory requirements that must be fulfilled before one may appeal an order of the Industrial Commission. He maintains that while subsection (A) sets forth the act required to vest jurisdiction—the act of filing the appeal, the first sentence of subsection (B) relates to the matter being appealed, and paragraph two of subsection (B) relates to the naming and notice requirements of the notice of appeal. According to the administrator, a notice of appeal that omits any of the subsection (A) or (B) requirements is statutorily defective and thereby deprives the court of jurisdiction."

"The amici's position is more persuasive. ... The second paragraph of R.C. 4123.512(B) provides a variety of instructions that are directed at multiple parties: 'The administrator of workers' compensation, the claimant, and the employer shall be parties to the appeal and the court, upon the application of the commission, shall make the commission a party. The party filing the appeal shall serve a copy of the notice of appeal on the administrator at the central office of the bureau of workers' compensation in Columbus. The administrator shall notify the employer that if the employer fails to become

an active party to the appeal, then the administrator may act on behalf of the employer and the results of the appeal could have an adverse effect upon the employer's premium rates.”

“The second paragraph of subsection (B), when read in context, is not a continuation of the first paragraph, dictating additional items that must be included in a notice of appeal. Instead, the second paragraph lists a number of things that are required in addition to or subsequent to a notice of appeal. Because the statute's jurisdictional requirements are explicitly limited to filing a notice of appeal, the additional requirements in the second paragraph of subsection (B) are not jurisdictional.”

Justice Lanzinger concluded that, because Spencer's notice of appeal contained all the information required by the first paragraph of R.C. 4123.512(B), it invoked the jurisdiction of the common pleas court.

Accordingly, Justice Lanzinger wrote, “(w)e therefore affirm the judgment of the court of appeals and remand the case to the Miami County Court of Common Pleas for further proceedings.”

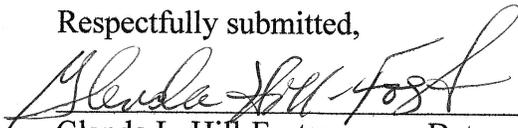
In rendering today's decision, Justice Lanzinger emphasized the ambiguity in the current statutory scheme that allowed Spencer's appeal to invoke a court's jurisdiction without immediate notice to the BWC. She urged the General Assembly “to clarify the jurisdictional requirements for initiating a workers' compensation appeal.”

R.C. 4123.512(A) allows either a claimant or an employer to appeal an order of the Industrial Commission 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.”

For the reasons discussed above, this case involves matters of public and great general interest.

The appellant requests that this court accept jurisdiction in this case so that the important issues presented will be reviewed based on the merits.

Respectfully submitted,

 4/20/15

Glenda L. Hill-Foster

Date

Pro Se -Appellant

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing was served Via U.S. Mail, this 20<sup>th</sup> day of April, 2015, to:

**BRIAN D. HALL (0029425)**  
**Porter, Wright, Morris & Arthur, LLP**  
**41 South High Street, 32<sup>nd</sup> Floor**  
**Columbus, Ohio 43215**  
**Counsel for Defendant/Respondent,**  
**NetJets Services, Inc.**

**MICHAEL DEWINE (0009181)**  
**Ohio Attorney General**  
**KEVIN J. REIS (0008669)**  
**Assistant Attorney General**  
**Worker's Compensation Section**  
**150 East Gay Street, 22<sup>nd</sup> Floor**  
**Columbus, Ohio 43215-3130**  
**Counsel for Defendant/Respondent,**  
**Industrial Commission of Ohio**

A handwritten signature in cursive script, appearing to read "Glenda L. Hill-Foster", written over a horizontal line.

Glenda L. Hill-Foster,  
Pro se Appellant