

STATE OF OHIO )

COURT OF STATE JUDGES  
)ss. DANIEL M. HEDGECOCK  
2015 MAY -5 AM 11:02

IN THE COURT OF APPEALS  
NINTH JUDICIAL DISTRICT

COUNTY OF SUMMIT )

MARCUS PRYOR, II

SUMMIT COUNTY  
CLERK OF COURTS

C.A. No. 27225

Appellant

v.

DIRECTOR, OHIO DEPARTMENT OF  
JOB AND FAMILY SERVICES

JOURNAL ENTRY

Appellee

Appellee has moved, pursuant to App.R. 25, to certify a conflict between the judgment in this case, which was journalized on March 31, 2015, and the judgments of the First District Court of Appeals in *Dikong v. Ohio Supports, Inc.*, 1st Dist. Hamilton No. C-120057, 2013-Ohio-33; Second District Court of Appeals in *Mattice v. Ohio Dept. of Job & Family Servs.*, 2d Dist. Montgomery No. 25718, 2013-Ohio-3941; Sixth District Court of Appeals in *Rupert v. Ohio Dept. of Job & Family Servs.*, 6th Dist. Lucas No. L-14-1139, 2015-Ohio-915; Seventh District Court of Appeals in *Hinton v. Ohio Unemp. Rev. Comm.*, 7th Dist. Mahoning No. 14 MA 45, 2015-Ohio-1364; Eighth District Court of Appeals in *Luton v. Ohio Unemp. Revision Comm.*, 8th Dist. Cuyahoga No. 97996, 2012-Ohio-3963; and Eleventh District Court of Appeals in *Sydenstricker v. Donato's Pizzeria, LLC*, 11th Dist. Lake No. 2009-L-149, 2010-Ohio-2953. Appellant has responded to the motion.

Article IV, Section 3(B)(4) of the Ohio Constitution requires this Court to certify the record of the case to the Ohio Supreme Court whenever the “judgment \* \* \* is in conflict with the judgment pronounced upon the same question by any other court of appeals in the state[.]” *Whitelock v. Gilbane Bldg. Co.*, 66 Ohio St. 3d 594, 596 (1993). “[T]he alleged conflict must be on a rule of law -- not facts.” *Id.*

Appellee has proposed that a conflict exists between the districts on the issue of the jurisdictional effect of R.C. 4141.282(D). Appellant does not oppose certification of a conflict, although he proposes an alternate phrasing of the legal issue. Upon consideration, we find appellant's proposition of the legal issue to more precisely recite the conflict. Accordingly, we find that a conflict of law exists and, therefore, certify a conflict on the following issue:

When appealing an unemployment compensation decision to the trial court, are the requirements contained in R.C. 4141.282(D), which explains how to name the parties, mandatory requirements necessary to perfect the appeal and vest the trial court with jurisdiction?



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Judge

Concur:

HENSAL, P.J.

MOORE, J.