

In the
Supreme Court of Ohio

STATE OF OHIO, ex rel.)	Case No. 2015 - 0036
CAMACO)	
)	On Appeal From The Franklin
Appellant)	County Court of Appeals
)	Tenth Appellate District,
v.)	
ROBERT ALBU AND THE)	
INDUSTRIAL COMMISSION OF OHIO)	Court of Appeals
)	Case No. 13AP-1002
)	
Appellees)	

MERIT BRIEF OF APPELLEE, ROBERT ALBU

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INTRODUCTION

This case is coming before this Court as a result of an appeal filed by the Appellant, Camaco, from an award granted to the Appellee, Robert Albu, by the Ohio Industrial Commission, finding that Camaco had violated a Specific Safety Requirement found under section 4123 of the Ohio Administrative Code.¹ The Appellant filed an action in Mandamus with the Tenth District Court of Appeals, which upheld the finding of the Industrial Commission, and denied the requested Writ of Mandamus.²

There are two issues that are before this Court: First, whether the Appellant can raise a new argument that the Appellant was not responsible for a hidden latent defect, when that argument was not made administratively? The second issue is whether the Industrial Commission's decision was supported by some evidence? As to the first issue, the Court of Appeals unanimously held that the Appellant waived this argument and could not address this issue on appeal as the Appellant failed to raise it at the administrative level when it could have been raised. As to the second issue, the Court of Appeals held that there was some evidence

¹ Stip. Evid. Page 2 - Application for Additional Award for Violation of a Specific Safety Requirement.

² Stip. Evid. Page 720-722 Industrial Commission Staff Hearing Officer decision dated 6-26-13.

upon which the Industrial Commission based its decision, and therefore denied Appellant's action in Mandamus.

STATEMENT OF FACTS

The Appellee, Robert Albu, sustained severe injuries to his head on January 31, 2006, when he was struck by a Wayne Trail bending machine as he attempted to troubleshoot a jam in a Motoman Robot. Mr. Albu was employed by Camaco as a Weld Technician. As a 'weld-tech' Mr. Albu was responsible to correct problems inside of a fenced in "cell" which contained the Wayne Trail bending machine and a Motoman robot. On the day in question, Mr. Albu was called to troubleshoot a jam that had occurred inside the cell when the transfer process between the two machines malfunctioned. In order to observe and correct the problem, Mr. Albu was required to enter the energized cell. For this to be accomplished, Mr. Albu could have entered the cell through the main-doors which would have shut the machines down. The problem with entering through the main-doors was that in order to remedy the situation, the machines would have to be powered up again and lock out tag out would serve no useful purpose to resolve the issue.³ In an attempt to avoid this, Mr. Albu chose to enter the cell through an exit chute which permitted him to maintain power to the units without having to shut the machinery down only to power it up again once inside. The record reflects that this practice was engaged in by many of

³ Stip. Evid. Jonathan Wright deposition of 4-15-09 at 313, 320, 321, 330, 332, 337; Roland Sheppard Jr. deposition of 4-16-09 at 250, 251, 253-255, 257-258, 260, 271, 272, 278; Ollie Higgins deposition of 5-6-09 at 684-686; Robert Albu deposition of 12-17-08 at 147, 156; Robert Albu testimony of 12-19-12 at 564-566.

the weld-techs in order to keep production running.⁴

Once inside, Mr. Albu was able to see the problem. As he attempted to fix the jam, the transfer arm from the Wayne Trail bending machine moved and struck Mr. Albu in the head, driving his head into a pipe that was on the machine. This resulted in severe injuries to Mr. Albu's head. A claim for Workers' Compensation was filed and was allowed for: open skull fracture- brief coma, encephalocele, fracture of the condyle process of the mandible, contusion of the face, cortex contusion, ankylosis left ear ossicles, right orbit deformity due to trauma, complicated open wound to the face, open wound to the external left ear, a complicated wound to the scalp, traumatic brain injury, subdural hemorrhage, brain conditions, nonpsychotic brain syndrome, brief depressive reaction, conductive hearing loss of the tympanic membrane of the left ear, and cervical syndrome.⁵

On April 27, 2007 an application was filed with the Industrial Commission, claiming that the Appellant violated a specific safety requirement under OAC 4123:1-5-17(G)(1)(a).⁶ That provision states that head protective equipment is required:

⁴ Stip. Evid. Alfred Horton deposition of 4-15-09 at 223, 224; Roland Sheppard Jr. deposition of 4-16-09 at 253, 256, 261, 278; Ollie Higgins deposition at 684-685; Robert Albu deposition of 12-17-08 at 417, 421; Tarald Kvalseth affidavit and expert report at 482, 485-486, 495, 500; Steven Kramer, PhD affidavit and expert report at 458, 459, 471, 472, 477; Vernon Mangold affidavit and expert report at 509, 511, 512, 517..

⁵ Stip. Evid. Record of Proceedings at 117, 703, 720.

⁶ Stip. Evid. Application for Violation of a Specific Safety Requirement at 2.

(i) Whenever employees are required to be present where the potential hazards to their head exists from falling or flying objects, or from physical contact with rigid objects, or from exposures where there is a risk of injury from electric shock, employers shall provide employees with suitable protective headgear.

The application alleged that Camaco had a duty to provide Mr. Albu with head protection due to the risk that he experienced while working within this cell. In testimony, Camaco admitted that it did not provide any head protection for their weld-techs as the facility was a non-hard hat area.⁷

An initial hearing was held before a Staff Hearing Officer (hereinafter SHO) at the Industrial Commission on December 19, 2012. At that time the SHO ruled that the Appellee did not violate O.A.C. 4123:1-5-17 (G) due to the assertion that Mr. Albu circumvented safety measures by entering the cell through the exit chute.⁸ The Appellee, Mr. Albu, filed a Motion for Rehearing and argued that the SHO did not understand that Mr. Albu could not troubleshoot the machinery without it being fully energized.⁹ This Motion for Rehearing was granted by the Industrial Commission and a new hearing was held on June 26, 2013.¹⁰ At that time the SHO held, in pertinent part:

...the injury would have occurred even if the Injured Worker had gone into the enclosure through the main door. The file contains a report from Vernon Mangold, an expert in the design and operation of robotic systems. Mr. Mangold indicated that it was not possible for the Injured Worker to enter the enclosure and then turn on power only to the robot by

⁷ Stip. Evid. Stephanie Fox hearing testimony at 604.

⁸ Stip. Evid. Record of Proceedings at 670-672.

⁹ Stip. Evid. Motion for Rehearing at 661-669.

¹⁰ Stip. Evid. Record of Proceedings at 703-704.

means of the teach pendant. Mr. Mangold states that the transfer arm of the bending machine was capable of moving at full speed when the robot was in teach mode. He indicated that even the employees of Wayne Trail who trained the employees of the Employer were not aware of this.

The Hearing Officer finds that the Injured Worker's employer did present a potential hazard of head contact with rigid objects as the system did not permit power to be turned off to the bending machine when power to the robot was activated. The Employer, therefore, should have provided head protection to the Injured Worker.¹¹

Following this decision, the Appellant filed a Motion for Rehearing with the Industrial Commission. The basis for this Motion for Rehearing was:

The report of a single safety expert relied upon by the Staff Hearing Officer is an obvious factual mistake, based upon the weight of the other expert evidence presented, and is a failure to follow the law set forth above with respect to the resolution of reasonable doubt in the Employer's favor.¹²

The Industrial Commission refused the Appellant's Motion to rehear this matter which prompted its request for a Writ of Mandamus before the Tenth District Court of Appeals. This matter was heard by both the Magistrate and then the full panel which held:

In relator's first objection, it argues that the magistrate erred by finding that claimant was entitled to the VSSR award because his injuries were caused by a latent defect in the system and because the claimant unilaterally bypassed safety devices that would have protected him from injury. With respect to the first argument, that claimant's injuries were caused by a latent defect, as explained above, relator waived this argument by failing to assert it before the commission. With respect to the second argument, that claimant unilaterally bypassed safety devices by entering the enclosure through an exit chute rather than the main door, the second SHO rejected this argument. Relying on the Mangold report, the second SHO concluded the injury would have occurred even if claimant had entered through the main door. The magistrate properly concluded that the Mangold report constituted some evidence on which the commission could rely in granting the

¹¹ Stip. Evid. Record of Proceedings at 720-722.

¹² Stip. Evid. Camaco Motion for Rehearing at 809-817 (Quote at 817.).

VSSR award.¹³

This case is now before this Court upon appeal from the Court of Appeals decision.

ARGUMENT

I. A PARTY WHO FAILS TO RAISE AN ARGUMENT IN THE COURT BELOW WAIVES THEIR RIGHT TO RAISE IT ON APPEAL

The basis for the Appellant's argument is twofold: That the employer was not responsible to protect employee's heads when there was a hidden latent defect in the machinery, and that there is no evidence which supports the assertion that Mr. Albu was justified in going through the exit chute and that his injury would have happened regardless.

It is respectfully submitted that it is too late to make a hidden latent defect argument at this point. As stated by the Court of Appeals, if Appellant had wanted to make this argument, they should have made it administratively. Since it was not made at the administrative level when the Appellant had an opportunity, it cannot be made on appeal and is waived. *State ex Rel. Zollner v. Industrial Commission.*, 55 Ohio St.3d 276 (1993). As the Court of Appeals held: "Ordinarily reviewing courts do not have to consider an error which the complaining party could have called, but did not call, to the lower tribunal's attention at a time when it could have been avoided or corrected. *State ex rel Quarto Mining co. v. Foreman*, 79 Ohio St.3d 78 (1997). *State*

¹³ *State ex rel. Camaco v. Robert Albu, et al.*; No. 13AP-1002 at page 5.

ex rel. Gibson v. Industrial Commission, 39 Ohio St.3d 319,320 (1988).”.

It has been argued that the door was opened to the hidden latent defect argument when the Staff Hearing Officer stated: “ He (Mr. Mangold) indicated that even the employees of Wayne Trail who trained the employees of the Employer were not aware of this.” Appellee does not understand why the Appellant did not raise this argument when the evidence presented before the Commission by Mr. Mangold clearly outlined the fact that the teach pendant did not work properly and power was needed to all of the equipment in order to trouble shoot a problem at the time the case was heard by the SHO. ¹⁴ The Appellant had Mr. Mangold’s report in their possession. They knew at the time of the original and subsequent hearing what Mr. Mangold said. They read that he outlined the fact that the Wayne Trail was defective in its operation, yet they did not argue this point at either hearing when they had the opportunity. Giving the Appellant the benefit of the doubt in this area, their argument is not justified when, after the SHO made her determination, this issue could have been raised in their Motion for Rehearing. A review of this Motion and supporting brief, however, reveals that the Appellant did not make an attempt to raise this issue. Rather, the Appellant argued that the decision by the SHO was against the weight of the evidence. It was not until the Mandamus action was filed, that this new argument was raised. A brief filed by Appellant before the Commission upon rehearing knew of the defective design. In fact it stated: “...the cause of the Claimant’s injury was related to the defective design of the machine by the employer’s contractor.”, but it failed to make the

¹⁴Stip. Evid. Affidavit and Report of Vernon Mangold at 505-547 filed as Employer’s Exhibit 20 with the Industrial Commission on 1-29-13.

new current argument that the Appellant is not responsible for a hidden latent defect.¹⁵ The brief filed before the Court of Appeals raised it at least twenty-four times. One would think that if this was such an important issue, that it would have been raised before the Commission when the opportunity presented itself, both at the hearing and in their Motion for Rehearing. It was not, and it cannot be raised here. Appellant's failure to argue this point before the Commission waived their ability to argue this point before this Court.

Appellant now argues that the case of *State ex rel. Shelly Company v. Steigerwald*, 121 Ohio St.3d 158, 2009-Ohio-585 would stand for the proposition that this could not have been argued in their Motion for Rehearing as this Court held the "...resultant absence of...evidence from the administrative record bars its consideration here." The Court relied upon the case of *State ex rel Schlegel v. Stykemain Pontiac Buick GMC, Ltd.* 120 Ohio St3d 43, 2008-Ohio-5303 to make its determination. In *Schlegel* the Appellant, injured worker, had evidence that he could have presented at the hearing level but he waited until after his two hearings to attempt to submit this evidence. The Court stated that the failure to bring evidence before the SHO effectively waived its consideration in a Motion for Rehearing. In the instant case, Appellant wants this Court to believe that if it could not raise this argument in their Motion for Rehearing it can raise this new legal argument at the Appellate level. It is respectfully submitted, that we are not addressing new evidence that was not before the Commission at the time of the original argument as in *Schlegel, supra*, evidence was not absent, rather it was very present for all to see. Mr. Mangold clearly stated that the teach pendant did not operate properly and the equipment would remain energized in the record before the SHO. The Appellant had every opportunity following

¹⁵ Appellant Memorandum in Opposition to Appellee's Motion for Rehearing of 2-19-13 at 699

the SHO's decision to point to evidence that was already contained in the record. The hidden latent defect argument could have been raised by the Appellant at the Administrative level at the time the Motion for Rehearing was made yet it failed to do so. Since this argument was not raised at either the hearing or in their Motion for Rehearing, it certainly cannot be raised at the Appellate level on the basis that "...the resultant absence of this evidence from the administrative record bars its consideration here.". *Schlegel* Id. at paragraph 16. In the following paragraph in *Schlegel* this Court once again stated that "...a party's failure to raise an issue at the administrative level precludes the party from raising it before a reviewing court." (Citing *State ex rel. Quarto Mining Co. V. Foreman*, 79 Ohio St3d 78 (1997) at paragraph 17.

Such is the case here. Appellant's failure to raise this issue at any level administratively bars its consideration at the appellate level.

Assuming, however, that the hidden latent defect argument could be made at this level, it is not the defect that the Administrative Code protects against. It is the "potential hazards", that the Administrative Code addresses. The Appellant argues that "Ohio law does not impose VSSR liability upon employers for unknown hazards." (At page 25) and that "...nobody knew about that danger." (At page 22) Appellant cites the cases of *State ex rel. Taylor v. Indus. Comm.*, 70 Ohio St.3d 445 (1994); *State ex rel. Maghie & Savage, Inc.*, (1998) 81 Ohio St.3d 328 and *State ex rel. MTD Products v. Stebbins*, 43 OhioSt.2d 114 (1975), to support this position. First, in light of the evidence these assertions are difficult to comprehend. Second, these cases stand for the proposition that VSSR liability is not extended to an employer for "unknown hazards" and for

first time failures. In the case before this Court, it is clear that the record shows that the Appellant was fully aware and had complete knowledge of the hazardous work that they asked their employees to perform within these cells. Their knowledge was revealed through signs that were posted at both the main door and the exit chute, a close call, a complaint, a concern, and a potential remedy that was on the drawing board. For the Appellant to argue that they are not responsible to protect their employees from a known danger because it was an unknown defect is disingenuous and frankly dangerous in any employment setting

First, Appellant had posted signs on both the main door and the exit chute which read: “Danger. Machinery Stops and Starts Automatically”.¹⁶ The fact that the Appellant posted these signs at the entrance points of the cell pointing out the danger in the machinery’s ability to stop and start automatically is an admission of the known danger. The fact that this sign was posted at the exit chute is evidence that they knew that individuals entered through the chute. As Steven Kramer, PhD indicated in his affidavit:

The warning sign provided by WT stating: “DANGER: This machine starts and stops automatically” was located on both interlocking gates. The same sign was mounted immediately above the unguarded exit opening (see attachment). This indicates to me that WT knew that Camaco workers would enter the work cell via this unguarded opening, and the warning sign was there to make them cognizant of the danger.¹⁷

The Appellee cannot argue that they did not know about the danger since they warned their

¹⁶ Stip. Evid at 378-379, 692-694. Photographs of the signs which were posted.

¹⁷ Stip. Evid. Steven Kramer expert affidavit at 862.

employees of the danger while in the cell.

Second, the Appellant knew about the danger within the cell because another weld-tech, Dave Maysonet, had a near miss on the same equipment and in the same fashion where the Appellee was injured. Testimony revealed that the bender's swing arm suddenly moved and Mr. Maysonet jumped out of the way before it hit him.¹⁸ This near miss was reported to the Appellant's maintenance supervisor, Bill Hamby by another worker, Roland Shepherd.¹⁹ It was reported that Mr. Hamby was going to look into correcting the problem and even had a schematic on his desk in an attempt to alleviate the risk to weld-techs who entered the cell.²⁰

In addition, Karen Mayfield, the Human Resources Manager, knew about the danger that the weld-techs faced when they worked in the powered cell as she asked Mr. Hamby why the employee's had to work in the area when it was so dangerous.²¹

Also, Karen Mayfield, and Stephanie Fox, the Safety Manager determined that the corrective action that needed to take place was to see if a window could be created in the cage fencing so that the robot could be trained from outside of the cell.²² This action would not have been necessary if the weld-techs worked in the enclosed area only when the power was off or if the teach pendant worked properly. This also would not have been necessary if the work could

¹⁸ Stip. Evid. Roland Sheppard, Jr. deposition of 4-16-09 at 254.

¹⁹ Stip. Evid. Roland Sheppard, Jr. deposition of 4-16-09 at 254.

²⁰ Stip. Evid. Roland Sheppard, Jr. deposition of 4-16-09 at 261.

²¹ Stip. Evid. Jonathan Wright deposition of 4-15-09 at 315.

²² Stip. Evid. Incident Investigation report of 1-31-06 at 397.

have been done outside the caged area. This however was not possible because the fence was too far away from the equipment to troubleshoot the problem.²³ Unfortunately, this corrective action was not considered when the danger was known. Rather, this suggested step took place after the Appellant suffered his severe injury.

Finally, it was the practice of several weld techs to enter the cell through the exit chute in order to avoid the equipment from shutting down.²⁴

As the Administrative Code requires, when there are “potential hazards” to one’s head, head protection is required. The Appellant clearly knew about the hazard, but failed to provide the personal protective equipment that could have alleviated Mr. Albu’s injury. It would have been as simple as placing a hard hat on the cage next to the openings, yet this precaution was not taken and the Appellee violated O.A.C. 4123:1-5-17 (G) resulting in this tragic accident to Mr. Albu.

II. THERE WAS SOME EVIDENCE UPON WHICH THE COMMISSION BASED ITS DECISION

In the Conclusion of their brief, Appellant asserts that: “The VSSR Award is not supported by “some evidence” because it ignores the fact that the accident occurred for two reasons: (1) the design defect in the Wayne Trail 2; and/or (2) Albu knowingly and unilaterally

²³ Stip. Evid. Affidavit of Steven Kramer, PhD., P.E. of 5-11-10 at 862-863.

²⁴ See Footnote number 4.

bypassing safety devices that may have protect him from injury.” (At page 32.)

It is well established law that in order for a Mandamus Action to succeed, it must be shown that the Commission abused its discretion and entered an order that was not supported by any evidence upon which the Industrial Commission could base it’s decision. *State ex rel. Lewis v Diamond Foundry Co.*, 29 Ohio St.3d 56 (1987); *State ex rel. Burly v. Coil Packing, Inc.*, 31 Ohio St.3d 76 (1987); *State ex rel. Elliott v Industrial Commission*, 26 Ohio St.3d 76 (1986); *State ex rel. Milburn v. Industrial Commission*, 26 Ohio St.3d 119 (1986).

The Staff Hearing Officer based her decision on the report of Vernon Mangold, Jr. Who stated, in part:

The transfer device that did strike Mr. Albu was capable of moving at full speed even if the robot was in teach mode and even if Mr. Albu entered the work cell through the interlocked gate. As a result, it is incorrect to claim that Mr. Albu would have been safe with the robot in teach mode because the program logic control (PLC) control system that WTT designed an built allowed for the subject overhead transfer mechanism and the vertical hydraulic dimple press to operated independently of the robot machine control.²⁵

As the Staff Hearing Officer stated:

The Hearing Officer, however, finds that the injury would have occurred even if the Injured Worker had gone into the enclosure through the main door. The file contains a report from Vernon Mangold, an expert in the design and operation of robotic systems. Mr. Mangold indicated that it was not possible for the Injured Worker to enter the enclosure and then turn on the power only to the robot by means of the teach pendant. Mr. Mangold states that the transfer arm of the bending machine was capable of moving at full speed when the robot was in teach mode.²⁶

This is some evidence upon which the Commission could and did base it’s decision.

²⁵ Stip. Evid. Vernon Mangold affidavit dated 6-1-10 at 511.

²⁶ Stip. Evid. Staff Hearing Officer’s decision of 6-26-13 at 721.

Appellant admitted in a their appellate brief and their current brief:

With the exception of Mangold and the Accident itself, there is no evidence in the Stipulation of Evidence to suggest that the teach pendant did not work in the manner Camaco and Albu believed it was supposed to work. That is, Mangold's opinions and the Accident itself are the sole evidence used by the ICO to support its finding that Camaco failed to provide Albu with head protection required by OAC 4123:1-5-17 (G(1)(a)).²⁷

As Appellant has admitted, there is some evidence upon which the Commission based its decision, and as such, the Court of Appeals was correct in its holding. This admission on the part of the Appellant should result in a denial of their request for Mandamus in the current action.

The Appellant, however, raised another new argument in their current brief that has not been raised before, that being that there was no evidence to support the speculation that the accident would have happened to Mr. Albu regardless of his entry into the exit chute. This argument should fail, however as the finding by the SHO was supported by the affidavit of Mr. Mangold.

It was this evidence that the SHO used to base her decision upon. It was this evidence, which has been in the record from the hearing held in this matter, that is some evidence upon which the SHO could base her decision. It is this evidence, which the Appellant has admitted the SHO based her decision upon. It is this evidence that the SHO could conclude that Mr. Albu was in fact in danger and suffered this injury whether he entered the cell through the main door or the exit chute. The Appellant would want this Court to rule that the SHO could not have come to

²⁷ Page 17, Relator, Camaco brief before the Magistrate dated February 20, 2014. Same quote on page 20 of the current brief.

this conclusion. Yet taking the evidence as a whole, the Commission has the authority arrive at this determination. In the case of *State ex rel. Supreme Bumpers, Inc. v Indus. Comm.*, 98 Ohio St.3d 134 (2002) at paragraph 69, this Court held:

This court has never required direct evidence of a VSSR. To the contrary, in determining the merits of a VSSR claim, the commission or its (staff hearing officer) like any factfinder, in any administrative, civil, or criminal proceeding, may draw reasonable inferences and rely on his or her own common sense in evaluating the evidence. See, e.g., *State ex rel. Burton*, supra 46 Ohio St.3d 172. In fact, we have been critical of the commission where, en route to a factual determination it separately examined individual evidentiary items without ever considering the combined or cumulative effect of the evidence as a whole. See *State ex rel. Hayes, v. Indus. Comm.* (1997), 78 Ohio St.3d 572. (Also see *State ex rel. Shelly Company v Steigerwald*, 121 Ohio St.3d158 (2009) at page 7.)

In fact, the Appellant was essentially making this argument when it was arguing against the Appellee's original Motion for Rehearing when they stated in their memorandum: "The Hearing Officer has the discretion to determine the facts and circumstances of the case based upon the evidence presented."²⁸

Based upon the report of Vernon Mangold, the testimony that the SHO heard as well as the extensive evidence in the record that is outlined above, the SHO drew a reasonable inference and relied upon her own common sense in evaluating the evidence and establishing her holding. As such, there was not just some evidence but rather a significant amount of evidence upon which the SHO based her decision.

Finally, the Appellant would want this Court to invoke the plain error rule just in case their waiver argument fails as the holding of the Commission and the Court of Appeals would

²⁸ Stip. Evid. Appellant's Memorandum in Opposition to Appellee's Motion for Rehearing of 2-19-13 at 700.

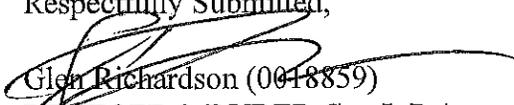
result in a “manifest miscarriage of justice” and if left uncorrected would have an “adverse effect on the character of, and public confidence in judicial proceedings.”. (At 31 of Appellant’s brief.)

It is respectfully submitted, that for this Court to reverse the determination of the Court of Appeals and institute the plain error rule in this case because it, as the Appellant correctly stated: “missed a winning argument at the administrative level and seeks to raise it now” (At page 32 of Appellant’s brief) would in fact be a miscarriage of justice and a reversal of a significant amount of precedent set by this and other Courts.

CONCLUSION

For the above stated reasons it is respectfully requested that the Appellant’s appeal be rejected and the Court of Appeal’s decision be affirmed.

Respectfully Submitted,


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PROOF OF SERVICE

I hereby certify that on January 25th, 2016, a copy of the foregoing Merit Brief of Appellee, Robert Albu, was sent by first class U.S. Mail, and e-mailed to Richard M. Garner and Sunny L Horacek, Counsel for Appellant, Camaco, LLC., Collins, Roche, Utley & Garner, LLC; 655 Metro Place South, Suite 200; Dublin, Ohio 43017; and Kevin Reis; Assistant Attorney General, Counsel for Appellee, Industrial Commission of Ohio; 150 East Gay Street, 22nd Floor; Columbus, Ohio 43215, which will also be served by the Court's electronic filing system.


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