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State of Ohio
Unemployment Compensation Review Commission
P.O. Box 182299
Columbus, Ohio 43218-2299

Docket No: H-2012004562

DECISION

In re claim of:

[REDACTED] - Appellant

Claimant Representative:

Dan Domozick, Atty. - Dan Domozick, Attorney at Law

Neil W Siegel - Neil W. Siegel, Attorney at Law

Employer:

Auditor of State

UCO No.: 0800070005-0000

CASE HISTORY

The claimant, **[REDACTED]**, filed an Application for Determination of Benefit Rights for a benefit year beginning November 27, 2011.

On January 30, 2012, the Director issued a Redetermination disallowing claimant's application, based upon the finding that claimant was discharged from employment with Auditor of State for just cause in connection with work. It was further held that no benefits will be paid until claimant obtains covered employment, works six weeks, earns wages of \$1,290.00 or more, and is otherwise eligible. Other matters may have been addressed by the Redetermination which are not relevant to this case.

On February 17, 2012, the claimant filed an appeal from the Redetermination.

On February 21, 2012, the Ohio Department of Job and Family Services transferred jurisdiction to the Unemployment Compensation Review Commission.

On May 07, 2012, a hearing was held before Hearing Officer Joseph Blaker, by telephone. Claimant appeared and was represented by Dan Domozick, attorney at law. Auditor of State did not appear.

FINDINGS OF FACT

Claimant was employed by Auditor of State from February, 2005 through November 21, 2011. Claimant last served as an Assistant Auditor III. He reported to Bill Rouse, Senior Audit Manager.

Between May 20, 2008 and March 10, 2011, claimant received five disciplinary warnings, including three suspensions due to concerns with his work performance. On November 21, 2011, the employer discharged the claimant after it was concluded that he exhibited poor work, poor judgment, and was insubordinate during the last audit he performed which involved the Madison Local School District. Claimant followed standard auditing procedures and did not refuse to perform any assigned tasks on that audit. Claimant reports that his supervisor was not happy with the language claimant used in the audit. Claimant did not use language that deviated from

procedure or was inappropriate in the audit.

ISSUE

Was claimant discharged by Auditor of State without just cause in connection with work?

LAW

An individual is not disqualified for benefits if the individual was discharged without just cause in connection with work. *Section 4141.29 (D) (2) (a) O.R.C.* For applications filed on and after August 1, 2004, a non-disqualifying separation from employment is a requirement for a valid application. *Section 4141.01 (R) (2) O.R.C.*

REASONING

Claimant has provided credible testimony that he followed standard audit procedures and was not insubordinate on his last audit. The evidence and testimony presented to the Hearing Officer fails to establish that claimant committed any fault or misconduct following the last warning which was issued to him in March, 2011. Claimant did not commit sufficient fault or misconduct to suspend his unemployment compensation benefits and was discharged by Auditor of State without just cause in connection with work.

DECISION

The Director's ~~Redetermination~~, issued January 30, 2012, is reversed with respect to claimant's separation from Auditor of State.

Claimant was discharged by Auditor of State without just cause in connection with work.

Claimant's Application for Determination of Benefit Rights is no longer disallowed based upon a disqualifying separation from employment. This case is remanded to the Ohio Department of Job and Family Services to determine claimant's monetary entitlement and any charges to the base period employers.

This decision rules only on the issue(s) set forth above.

Joseph Blaker, Hearing Officer

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OJI Determination #: 223893190

[RCX Temp: DWC-R-Y-DUDA]