

KURT C. SWINEHART
By Email



RCE018341X0000000010G



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

NOTICE OF HEARING

Si usted no puede leer esto, llame por favor a 1-866-833-8272 para una traducción.

In re claim of:

Claimant Representative:

Kurt C. Swinehart - Appellant
*SSN: XXX-XX-6632

*If the complete SSN is needed to identify the claimant, please call UCRC Staff at 1-866-833-8272. Due to privacy laws, the Commission can confirm, but not provide the full SSN.

Employer:

Employer Representative:

Pnc Bank Na
UCO No.: 1504673007
Issues: DED-SP, DED-VP

Date this notice mailed: December 07, 2018

HEARING SCHEDULE

DATE AND TIME: December 17, 2018 - 08:30 AM, ET

LOCATION: Telephone

Hearings are scheduled for 45 minutes or less, depending upon the issue(s). All efforts will be made to complete the hearing in the allotted time, please plan accordingly.

To begin the hearing, you will call one of the following toll-free numbers 15 minutes before the hearing is scheduled to begin.

Columbus, Ohio calling area - 614-387-3775

All other areas in Ohio - 1-800-848-7099

All areas outside of Ohio - 1-800-821-1588

The above numbers should not be used for any other purpose



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ISSUES: (References are to the Revised Code of Ohio, Chapter 4141, unless otherwise noted. Issues pertaining to a specific employer are listed below their names.)

DED-SP

Were benefits otherwise payable to the claimant properly reduced by the amount of remuneration received by the claimant in the form of separation or termination pay?

Benefits otherwise payable for any week shall be reduced by the amount of remuneration received with respect to such week in the form of: Separation or termination pay. 4141.31 (A) (4) O.R.C. If there is no designation of the period for the payments made to an individual, then an amount equal to the individual's normal weekly wage shall be applied to each week following the separation until the amount paid is exhausted. 4141.31 (A) (5) O.R.C.

DED-VP

Were benefits otherwise payable to the claimant properly reduced by the amount of remuneration received by the claimant in the form of allocated vacation pay or allowance?

Benefits otherwise payable for any week shall be reduced by the amount of remuneration received with respect to such week in the form of: Vacation pay. 4141.31 (A) (5) O.R.C. If there is no designation of the period for the payments made to an individual, then an amount equal to the individual's normal weekly wage shall be applied to each week following the separation until the amount paid is exhausted. 4141.31 (A) (5) O.R.C.

Additional issues may be considered which fall within the purview of Ohio Administrative Code Rule 4146-5-03.

IMPORTANT: Please read the information enclosed with this document.

[RXC Temp : Hearing Notice Telephone]

Copies of this Notice were mailed on December 07, 2018 to the following:

Kurt C. Swinehart - Interested Party
2642 WOODLEY RD
COLUMBUS, OH 43231-4839
Via Email

Pnc Bank Na - Interested Party
4100 W 150TH ST
CLEVELAND, OH 44135-1304

Attn: Pnc Bank Na
UC EXPRESS - Interested Party
PO Box 182366
Columbus, OH 43218-2366

Pnc Bank Na - Interested Party
620 LIBERTY AVE 2ND FL
PITTSBURGH, PA 15222-2719



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UNEMPLOYMENT COMPENSATION REVIEW COMMISSION
P.O. BOX 182299
COLUMBUS, OHIO 43218-2299
Si usted no puede leer esto, llame por favor a 1-866-833-8272 para una traducción.

NOTICE THAT A TELEPHONE HEARING WILL BE HELD

The hearing in which you will be participating will be conducted by telephone. This means that instead of all parties to the hearing being in one location, each party may be in separate locations and will talk with each other and the Hearing Officer over the telephone. It is important that you carefully read the enclosed instructions. **PAY CAREFUL ATTENTION TO THE INSTRUCTIONS FOR TELEPHONE HEARINGS WHICH SET FORTH THE TELEPHONE NUMBER YOU NEED TO CALL TO INITIATE THE HEARING, AS WELL AS INFORMATION ON TIME ZONES.**

**INSTRUCTIONS TO ALL PARTIES TO THE APPEAL TRANSFERRED TO THE
U.C. REVIEW COMMISSION**

Telephone Hearing Instructions

Preparation for hearing

IF THE ONLY ISSUE FOR THE HEARING IS THE TIMELINESS OF THE APPEAL, THEN NO OTHER ISSUES WILL BE DISCUSSED DURING THE HEARING.

Each party should be prepared to present all relevant evidence and all necessary witnesses. If you wish to present witnesses:

1. Notify them of the time and date of the hearing.
2. Arrange for each witness to be with you at the time of the hearing or at a telephone which will take incoming calls.

When you call the toll free number included with these instructions, inform the hearing assistant of the complete telephone number where your witnesses can be reached. The Hearing Officer will call your witnesses. **DO NOT HAVE THE WITNESSES CALL DIRECTLY.**

A party may appear in person or through an attorney or other representative. The Hearing Officer will develop the facts through questioning the parties and witnesses to afford a fair and impartial hearing. If you are going to be represented by an attorney or other representative, make arrangements for such representation immediately and notify the Commission of the name and address of this representative by writing to the address found at the top of this notice, by telephoning **1-866-833-8272** or by faxing to **(614) 387-3694**.

Hearings are scheduled for 45 minutes or less, depending upon the issue(s). All efforts will be made to complete the hearing in the allotted time, please plan accordingly.

Subpoenas

Each party may request the issuance of subpoenas to require the attendance of necessary witnesses or the production of necessary documents. A request for subpoenas should be made as soon as possible. **You need not wait for a scheduled hearing date before making your request for subpoenas.** The request must be received by the Commission at least five (5) calendar days prior to the hearing to allow sufficient time for service. A request for subpoenas may be filed by writing to the Commission at the address found at the top of this notice, by telephoning **1-866-833-8272**, or by faxing to **(614) 387-3694**.

If you no longer wish to pursue your appeal, you may file a request to withdraw an appeal transferred to the Commission, or a request for review, prior to a decision being issued. The request to withdraw must be in writing and signed by the party or a representative. The request must be filed with the Commission by mailing the request to withdraw to the address at the top of this notice or by fax to **(614) 387-3694**.

The request must include the name and complete address of the witness. If the request is for documents or other physical evidence, specifically describe the item and identify the person (including title, if known) who has custody of the item. If the subject of any subpoena request appears to be unreasonable, the Commission may require a showing of necessity for your request. Without a showing of necessity, only three subpoenas will be issued.

Documents

If you have any documents or written materials (not previously submitted to ODJFS prior to the date of appeal) which you want the Hearing Officer to consider, copies of those documents or written materials **MUST BE SENT IMMEDIATELY BY OVERNIGHT MAIL TO ALL PARTIES AND THEIR REPRESENTATIVES**, as listed on this notice, **AND BY OVERNIGHT MAIL TO THE COMMISSION**, at the address found at the top of this notice, **ATTN: Telephone, or by faxing to (614) 387-3694.**

Each document must be identified with a letter, starting with (A), (B), (C), etc. In the case of a multi-paged document, each page must be numbered. Keep a copy of these documents for your own use. **DOCUMENTS MUST BE RECEIVED PRIOR TO THE SCHEDULED HEARING. FAILURE TO SEND COPIES AS INSTRUCTED MAY RESULT IN THE DOCUMENTS NOT BEING CONSIDERED BY THE HEARING OFFICER.**

If you receive copies of documents from other parties, be sure to read them and have them with you at the hearing.

Hearings During Non-Working Hours

A party employed during the hours of 8:00 A.M. to 4:30 P.M., may request that the hearing be scheduled during non-working hours by telephoning the Commission at **1-866-833-8272**. The Commission will then schedule the hearing during the party's non-working hours. Hearings held after 4:00 p.m. will be conducted by telephone. **Please make this request as soon as possible.**

File Review

A party or their representative may make a request to purchase a copy of the file. **A REQUEST TO PURCHASE A COPY OF THE FILE SHOULD BE MADE IMMEDIATELY.** Direct your request to the Commission at the address found at the top of this notice. **ATTN: File Review.** If the only issue for the hearing is the timeliness of appeal, only those documents related to the timeliness issue will be provided. **A file copy request cannot be accommodated if it will delay a scheduled hearing.**

Failure to Appear

Section 4141.281(D), Revised Code of Ohio, provides that if the party who filed the appeal fails to appear at the hearing, the Commission shall dismiss the appeal. If the non-appealing party fails to appear, the hearing shall go forward and a decision will be issued. A party who failed to appear has fourteen (14) days after the hearing to provide a written statement showing good cause for the non-appearance. Another hearing will be granted if good cause for the non-appearance is shown.

POSTPONEMENT

Federal regulations as found in 20 CFR Part 650 require that unemployment compensation appeals be heard as promptly as possible. Any request for postponement should be made immediately upon discovery of any conflict with the scheduled hearing date.

A SCHEDULED HEARING WILL BE POSTPONED ONLY UNDER EXTREME CIRCUMSTANCES AND ONLY AFTER A PARTY HAS EXHAUSTED ALL EFFORTS TO RESOLVE ANY CONFLICT. POSTPONEMENTS CAN ONLY BE REQUESTED BY CALLING THE COMMISSION AT 1-866-833-8272. ANY REQUESTS TO POSTPONE, FILED BY LETTER, FAX, OR E-MAIL WILL NOT BE CONSIDERED. IF YOU DO NOT RECEIVE A RESPONSE TO A WRITTEN FAX OR E-MAIL REQUEST, ASSUME YOUR REQUEST HAS BEEN DENIED AND THAT THE HEARING WILL PROCEED AS SCHEDULED.

Please visit our web site at www.web.ucrc.state.oh.us to review our postponement policy in more detail.

Special Notice to the Appealing Party: Withdrawal of Appeal or Request for Review

If you no longer wish to pursue your appeal, you may file a request to withdraw an appeal transferred to the Commission, or a request for review, prior to a decision being issued. The request to withdraw must be in writing and signed by the party or a representative. The request must be filed with the Commission by mailing the request to withdraw to the address at the top of this notice or by fax to **(614) 387-3694**. Although an official form is not required, a Request for Withdrawal may be obtained from the Commission.

If you have questions after reading these instructions, you may call the Commission at **1-866-833-8272**.

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INSTRUCTIONS FOR TELEPHONE HEARING

GENERAL INFORMATION

There may be documents submitted by interested parties which are attached to this notice. Be sure to read these documents carefully and have them with you at the time of the hearing.

TO COMMENCE THE HEARING

The NOTICE OF THE HEARING designates the date and time when the hearing will be conducted. NOTE: Time may be in the A.M or P.M.

TIME ZONES: SEE REVERSE SIDE

1. TO BEGIN THE HEARING, **YOU** WILL CALL ONE OF THE FOLLOWING TOLL-FREE NUMBERS 15 MINUTES **BEFORE** THE HEARING IS SCHEDULED TO BEGIN.

Columbus, Ohio calling area - 614-387-3775

All other areas in Ohio - 1-800-848-7099

All areas outside of Ohio - 1-800-821-1588

THE ABOVE NUMBERS SHOULD NOT BE USED FOR ANY OTHER PURPOSE

2. A hearing assistant will answer at the above phone number. You must give the assistant the complete telephone number where you can be called when the hearing is scheduled to begin. Do not use a telephone number that will not take incoming telephone calls. Hang up your telephone and wait to be called back.
3. After the hearing assistant has received calls from all the parties to the hearing, **you will be called back** by the Hearing Officer and the hearing will begin. The Hearing Officer will give you further instructions about the hearing when he/she calls you back.

USE OF THE TELEPHONE

Please use a land line if at all possible, as mobile phones may not provide a reliable connection. If you must use a mobile phone please be sure your battery is fully charged and plan to remain in one area for the duration of the hearing.

After the hearing begins, you will speak to the Hearing Officer over the telephone. The hearing may be conducted over long-distance lines. It is important for everyone to speak into the telephone slowly and as clearly as possible. When one person is speaking, do not interrupt, and wait until that person stops speaking before you start speaking. When any person speaks over the telephone, it is important for that person to identify him/herself. If at any time during the hearing you have difficulty hearing the conversation, let the Hearing Officer know immediately. If more than one person is participating from a single location, separate extensions or a speaker phone should be available.

IF YOU GET DISCONNECTED

If at any time during the hearing you lose the connection or otherwise cannot speak to the Hearing Officer:

1. **HANG UP YOUR TELEPHONE**
2. Immediately call the toll-free number that you called at the beginning.
3. Say: This is (your name) and my connection for the hearing has been cut off.

After you inform the hearing assistant, **HANG UP YOUR TELEPHONE**. The Hearing Officer will call you back and continue the hearing.

TIME ZONES

All hearing times shown on hearing notices are Eastern Time Zone or Eastern Daylight Time Zone.

If **STANDARD TIME** is in effect, or **DAYLIGHT SAVINGS TIME** is in effect and your locality does observe Daylight Savings Time, select the time zone you are calling from and apply the following:

Atlantic Time Zone -The hearing will be one hour later than shown on the hearing notice

Eastern Time Zone -The hearing will be at the time shown on the hearing notice

Central Time Zone -The hearing will be one hour earlier than shown on the hearing notice

Mountain Time Zone -The hearing will be two hours earlier than shown on the hearing notice

Pacific Time Zone -The hearing will be three hours earlier than shown on the hearing notice

Alaska Time Zone -The hearing will be four hours earlier than shown on the hearing notice

Hawaii-Aleutian Zone -The hearing will be five hours earlier than shown on the hearing notice

If **DAYLIGHT SAVINGS TIME** is in effect and you are calling from a locality that does **NOT** observe Daylight Savings Time, the following will apply:

Atlantic Time Zone -The hearing will be the time shown on the hearing notice

Eastern Time Zone -The hearing will be one hour earlier than shown on the hearing notice

Central Time Zone -The hearing will be two hours earlier than shown on the hearing notice

Mountain Time Zone -The hearing will be three hours earlier than shown on the hearing notice

Pacific Time Zone -The hearing will be four hours earlier than shown on the hearing notice

Alaska Time Zone -The hearing will be five hours earlier than shown on the hearing notice

Hawaii-Aleutian Zone -The hearing will be six hours earlier than shown on the hearing notice



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