



**Unemployment Compensation
Review Commission**

P. O. Box 182299
Columbus, Ohio 43218-2299

JFS 13149 (Rev. 1/2019)

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JOSEPH L. PANETTA
By Email
jlpanetta1681@gmail.com



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

**NOTICE THAT AN APPEAL HAS BEEN TRANSFERRED
BY THE DIRECTOR TO THE REVIEW COMMISSION**

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

In re claim of:

Claimant Representative:

Joseph L. Panetta

*SSN: XXX-XX-4841

*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.



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Employer:

Employer Representative:

Texas Roadhouse Management Corp. -

Appellant

UCO No.: 1210603005

Issues: DISCH

DATE THIS NOTICE MAILED: October 02, 2024

The Director has transferred the appeal filed by the appellant(s) from ODJFS determination 240869325 which was sent on September 30, 2024, to the Unemployment Compensation Review Commission.

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.)

DISCH

Was the claimant discharged by the employer for just cause in connection with work?

An individual is not eligible for benefits if the individual was discharged for just cause in connection with work. The individual will remain ineligible until the individual obtains covered employment, works six weeks, and earns the required requalifying amount. 4141.29 (D)(2)(a), 4141.29 (G) ORC. For applications filed after August 1, 2004, a non-disqualifying separation from employment is a requirement for a valid application. An individual is not disqualified if the individual was discharged without just cause in connection with work. Section 4141.29 (D)(2)(a) ORC.

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

This matter will be scheduled for hearing as early as possible. A notice setting forth the date, hour, and place of hearing will be mailed to the parties. **Important instructions** about your rights and duties will be enclosed. Please read those instructions.

IMPORTANT: Please read the information enclosed with this document.

[RCX Temp : Appeal Notice Hearing Officer]

Copies of this Notice were mailed on October 02, 2024 to the following:

Joseph L. Panetta - Interested Party
832 CADD0 AVE
AKRON, OH 44305-1120
Via Email

Texas Roadhouse Management Corp. - Interested Party
6040 DUTCHMANS LN
LOUISVILLE, KY 40205-3305

Texas Roadhouse Management Corp. - Interested Party
PO BOX 34150
LOUISVILLE, KY 40232-4150

Attn: Texas Roadhouse Management Corp.
UC EXPRESS - Interested Party
PO Box 182366
Columbus, OH 43218-2366

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.

INSTRUCTIONS TO ALL PARTIES BEFORE THE UNEMPLOYMENT COMPENSATION 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. 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. Notify the Commission of the name and address of this representative by writing to the Commission at the address listed in the return box on the front page of this notice, by telephoning **1-866-833-8272** by faxing the information to **(614) 387-3694** or by e-mailing the information to **UCRC_FAX@jfs.ohio.gov**.

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 up to three (3) 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 listed in the return box on the front page of this notice, by telephoning **1-866-833-8272**, by faxing your request to **(614) 387-3694** or **by e-mailing your request to UCRC_FAX@jfs.ohio.gov**.

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 or a party requests more than three (3) subpoenas, the Commission may require a showing of necessity for your request. Without a showing of necessity, only three (3) subpoenas will be issued.

Documents

The file transferred to the Commission contains documents and written materials submitted by all parties up to the date this appeal was transferred to the Commission. If you have any documents or written materials not previously submitted that you want the Hearing Officer to consider, copies of those documents or written materials related to the timeliness issue will be **MUST BE SENT TO THE COMMISSION AND TO ALL PARTIES AND THEIR REPRESENTATIVES**, as listed on this notice. Send the documents to the Commission by mailing them to, **ATTENTION: File Review**, at the address listed in the return box on the front page of this notice, by faxing the documents to (614) 387-3694 or by attaching the documents to an e-mail to {UCRC_FAX@jfs.ohio.gov}.



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

DOCUMENTS MUST BE RECEIVED WITHIN FOURTEEN (14) DAYS AFTER THIS NOTICE WAS MAILED. FAILURE TO SEND COPIES AS INSTRUCTED MAY RESULT IN THE DOCUMENTS NOT BEING CONSIDERED BY THE HEARING OFFICER.

File Copy

A party or their representative may make a request to purchase a copy of the file (see attached form). **A REQUEST FOR A COPY OF THE FILE SHOULD BE MADE IMMEDIATELY OR NO LATER THAN TEN (10) DAYS AFTER THIS NOTICE WAS MAILED.** Direct your request to the Commission **ATTENTION: File Review** at the address found on the front page of this notice, by faxing your request to (614) 387-3694, or by e-mailing your request to filecopy@jfs.ohio.gov.

If the only issue for the hearing is the timeliness of appeal, only those documents related to the timeliness issue will be provided.

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. All hearings held after 4:00 P.M., will be conducted by telephone. **Please make your request to the Commission as soon as possible.**

In Person Hearing

A party who does not wish to have a telephone hearing may choose to have an in-person hearing if they and their witnesses agree to travel to a hearing site chosen by the Commission. An in-person hearing can only be scheduled between 8:00 A.M. and 4:30 P.M.

A request for an in-person hearing may be filed in person, by writing to the Commission at the address listed in the return box on the front page of this notice, by telephoning 1-866-833-8272, by faxing the request to (614) 387-3694 or **by e-mailing the request** to UCRC_FAX@jfs.ohio.gov.

A REQUEST FOR AN IN-PERSON HEARING SHOULD BE FILED WITH THE COMMISSION IMMEDIATELY. IT MUST BE FILED NO LATER THAN TEN (10) DAYS AFTER THIS NOTICE WAS MAILED.

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, at any time 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 listed in the return box on the front page of this notice, by faxing the request to (614) 387-3694 or **by e-mailing the request** to UCRC_FAX@jfs.ohio.gov. 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.

What is the Review Commission?

The Review Commission is composed of three members appointed by the Governor, a staff of attorney/hearing officers, and support staff. The Review Commission is independent of the Ohio Department of Job and Family Services (ODJFS). The Commission reviews ODJFS unemployment compensation decisions and may affirm, reverse or modify these decisions.

What is the purpose of the hearing?

The purpose of the hearing is to gather all of the facts necessary to correctly decide the case based upon the unemployment compensation laws of the State of Ohio.

How will I know the date, time and location of the hearing

You will receive a hearing notice advising you of the date, time and location of your hearing. It is important that you read the notice carefully and do not miss your hearing. If you are the appealing party and you miss your hearing, your case will be dismissed.

Where will the hearing be conducted?

Hearings are “initially” scheduled by telephone. Any request for an in-person hearing must be filed within ten (10) days after the mailing of the notice that an appeal has been transferred to the Commission. A claimant working during the day may request an evening hearing. Evening hearings are conducted by telephone, Monday through Thursday, between 5:00 p.m. and 9:00 p.m.

What if I am unable to attend the hearing?

You must contact the Review Commission at 1-866-833-8272 to request a postponement of your hearing. You must have good cause for postponement. Visit our web site at www.web.ucrc.state.oh.us to review our postponement policy.

How can I prepare for my hearing?

You may obtain a copy of your ODJFS file by mailing a request to the Review Commission (see attached form). After the hearing, you may obtain a copy of the hearing record by mailing a request to the Commission along with a check for \$15.00. Your check should be made out to ODJFS.

How can I locate a representative?

The Review Commission cannot recommend a representative. However, your local bar association can refer you to a private attorney. If you cannot afford a private attorney, your local Legal Aid office may be able to provide help at no cost. You can contact your local Legal Aid office by calling 1-866-LAW-OHIO (1-866-529-6446) or by searching the Legal Aid directory at <http://ohiolegalservices.org/programs> on the internet. If you wish to be represented, it is important that you arrange for a representative as soon as possible. Various service companies are available to represent employers. You will find their telephone numbers in the Yellow Pages, listed under Workers Compensation or Unemployment Compensation Representatives.



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What should I bring with me to the hearing?

The hearing officer will consider any relevant evidence. You should bring witnesses and documents that support your case. Witnesses and/or documents may be subpoenaed by writing to the Review Commission or by calling 1-866-833-8272. Most hearings are scheduled for 45 minutes. The Commission will issue up to three (3) subpoenas. Identify the three (3) most important witnesses or documents needed on your subpoena request. At the conclusion of the hearing, the hearing officer will decide whether additional witnesses are necessary.

What can I expect at the hearing?

The hearing officer will record the hearing. Hearing procedures will be explained at the start of the hearing. All witnesses, including the claimant and the employer, will be sworn and questioned about the issues set forth in the hearing notice. All parties will be given the opportunity to ask questions of the witnesses. Relevant documents may be offered for consideration by the hearing officer. Each side will be given time for a brief closing statement. The hearing officer's decision will be based upon the evidence admitted at the hearing and the information in the ODJFS file. The decision will be mailed to all interested parties.

Further information about the hearing process and applicable laws can be found in Chapter 4141 of the Ohio Revised Code and Chapter 4146 of the Ohio Administrative Code. These reference materials are available at your public library. You can also visit our web site at www.web.ucrc.state.oh.us to view our law abstract (information on various unemployment compensation issues), commission policies, and a video of a typical hearing. If you do not have access to the internet, you may review the law abstract and the video at most public libraries.

A list of public libraries where these materials can be found is available upon request.

How is a telephone hearing conducted?

Documentation must be sent to the Commission before the hearing. Copies must be provided to the other party. You will receive a hearing notice that will instruct you to call a designated telephone number 15 minutes before your scheduled hearing. Provide the hearing assistant with your telephone number and the telephone numbers of your witnesses. The hearing officer will join the parties in a conference call. The telephone hearing will be recorded.

When will I get a decision?

The Review Commission conducts in excess of 800 hearings per week. Your decision will be issued as soon as possible.

What if I disagree with the decision?

Either party may appeal the hearing officer's decision to the Review Commission within twenty-one (21) days after the date the decision is mailed. The Commission may affirm the decision, reverse the decision without further hearing, or order another hearing. After a Commission level decision is issued, the parties have appeal rights to the Common Pleas Court.

What if I wish to withdraw my appeal?

The appealing party may withdraw his/her appeal anytime prior to the date the decision is issued. Mail, fax, or e-mail a short statement to the Review Commission indicating your desire to withdraw your appeal.

Please visit our website at

www.web.ucrc.state.oh.us

**UNEMPLOYMENT COMPENSATION REVIEW COMMISSION
FILE/TAPE COPY REQUEST SHEET**

You may request a copy of the Ohio Department of Job and Family Services' (ODJFS) Director's file and the Unemployment Compensation Review Commission's file. **ANY REQUEST FOR COPIES SHOULD BE MADE AS SOON AS YOU READ THIS FORM OR NO LATER THAN TEN (10) DAYS FROM THE DATE OF MAILING OF THE NOTICE WHICH IS ATTACHED TO THIS FILE/TAPE COPY REQUEST SHEET.**

Requests made after ten (10) days will ONLY be allowed if the copies can be made without causing a delay to the scheduled hearing.

COPIES OF FILES

All copies of the Director's file will be sent electronically unless an electronic file does not exist or you make a specific request for a paper copy file. There is no charge for an electronic file copy. Your e-mail address must be provided below.

☐ **I request an electronic copy of the Director's File - No Charge**

Please include the information that appears below in "FOR ALL REQUESTS" in your e-mail

Send an e-mail request to: filecopy@jfs.ohio.gov

Fax request to: 614-387-3694

☐ **I request a hard copy of the Director's File. I am enclosing a check or money order for \$5.85 payable to UCRC.**

Mail request to: U.C. Review Commission,
P O Box 182299
Columbus, OH 43218-2299

Do not return form if you are e-mailing your request.

COPIES OF HEARING TAPES

☐ **YES, I have had a hearing before the Unemployment Compensation Review Commission.**

☐ **I request a copy of the hearing. Please provide copy on audio tape _____, or CD _____. Find enclosed my check for \$15.00 payable to the UCRC.**

☐ **NO, I have not had a hearing before the Unemployment Compensation Review Commission.**

IF you answered YES, you may request a copy of the hearing tape at this time. IF you answered NO, you may request a copy of the hearing tape ONLY after the hearing has been held before the Unemployment Compensation Review Commission. You would make your request by mailing this form, checking the YES box and enclosing a check or money order for \$15.00 payable to the UCRC.

FOR ALL REQUESTS

Please complete the following information and send, along with your payment, to the address at the bottom of this page.

NAME OF CLAIMANT:

DOCKET NUMBER (TOP RIGHT HAND CORNER OF ATTACHED NOTICE):

NAME OF REQUESTING PARTY:

Telephone Number:

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PLACE AN (X) BY YOUR RELATIONSHIP TO THIS CASE

☐ **EMPLOYER**

☐ **EMPLOYER'S REPRESENTATIVE**

☐ **CLAIMANT**

☐ **CLAIMANT'S REPRESENTATIVE**

☐ **OTHER (SPECIFY)**

ADDRESS WHERE COPIES ARE TO BE SENT:

1. E-mail address for electronic file copies

2. Mailing address for paper copies and /or copies of hearing tapes



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