

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

DIANE LANGHORST,	:	APPEAL NO. C-110301
Plaintiff-Appellant,	:	TRIAL NO. A-0806761
vs.	:	<i>JUDGMENT ENTRY.</i>
CITY OF CINCINNATI,	:	
Defendant-Appellee.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* S.Ct.R.Rep.Op. 3(A); App.R. 11.1(E); Loc.R. 11.1.1.

Plaintiff-appellant Diane Langhorst appeals the judgment of the Hamilton County Court of Common Pleas upholding the denial of disability retirement benefits by the City of Cincinnati Retirement Board.

In two related assignments of error, Langhorst contends that the trial court erred in affirming the Board’s determination. We address the assignments together.

Following the Board’s denial of her claim, Langhorst appealed to the common pleas court under R.C. Chapter 2506. When reviewing administrative appeals under that chapter, the court of common pleas considers the whole record, “including any new or additional evidence admitted under R.C. 2506.03, and determines whether the administrative order is unconstitutional, illegal, arbitrary, capricious, unreasonable, or unsupported by the preponderance of substantial, reliable, and

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probative evidence.” *Henley v. Youngstown Bd. of Zoning Appeals*, 90 Ohio St.3d 142, 147, 2000-Ohio-493, 735 N.E.2d 433; *see also* R.C. 2506.03 and 2506.04. This court’s standard of review is more limited. We review the judgment of the common pleas court only on “questions of law.” R.C. 2506.04: *Henley* at 147.

In this case, the trial court’s judgment was in accordance with the evidence. Dr. Paul T. Hogya, the medical director for the disability retirement system, opined that Langhorst’s spinal condition did not prevent her from performing the essential tasks of her job as a public health nurse. Although Langhorst presented evidence in the form of expert testimony and her extensive medical history that she could not perform those tasks, we cannot say that the trial court erred in accepting Dr. Hogya’s opinion.

We overrule the assignments of error and affirm the judgment of the trial court.

Further, a certified copy of this judgment entry shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

HILDEBRANDT, P.J., DINKELACKER and FISCHER, JJ.

To the clerk:

Enter upon the journal of the court on January 13, 2012

per order of the court _____.
Presiding Judge