

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

SONYA BARNES, Ph.D.,	:	APPEAL NO. C-150043
Plaintiff-Appellant,	:	TRIAL NO. A-1303935
vs.	:	<i>JUDGMENT ENTRY.</i>
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES,	:	
and	:	
CHILDREN'S HOSPITAL MEDICAL CENTER,	:	
Defendants-Appellees.	:	

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. 2; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

This is an appeal from the trial court's decision affirming the denial of unemployment benefits. Sonya Barnes argues that she was terminated without just cause. We affirm the judgment of the trial court.

On December 31, 2012, Dr. Barnes was fired from her job as a research associate at Children's Hospital Medical Center ("Children's Hospital"). She filed a claim for unemployment compensation, which was initially allowed. Children's Hospital appealed the allowance, and the Unemployment Compensation Review Commission ("the commission") reversed the determination and disallowed her claim. Dr. Barnes then appealed to the Hamilton County Court of Common Pleas, which affirmed the commission's decision.

In her assignment of error, Dr. Barnes asserts that the trial court erred when it affirmed the commission's decision denying her unemployment benefits. We may reverse the decision "only if it is unlawful, unreasonable or against the manifest weight of the evidence." *Tzangas, Plakas & Mannos v. Ohio Bur. of Emp. Servs.*, 73 Ohio St.3d 694, 653 N.E.2d 1207 (1995), paragraph one of the syllabus.

Under R.C. 4141.29(D)(2)(a), an individual may not receive unemployment benefits if she was "discharged for just cause in connection with the individual's work[.]" The commission determined that Dr. Barnes was terminated for just cause. Dr. Barnes maintains that the commission's determination was unreasonable and unsupported by the evidence in the record. We disagree.

One of the "Major Duties and Responsibilities" listed on the position description for Research Associate was "Publish: Draft, write and edit scientific reports, papers, journal articles and abstracts." During a performance review in 2011, Greg Grabowski, M.D., discussed with Dr. Barnes her lack of progress with respect to publishing and informed her that she was expected to publish three articles in the next year. According to Dr. Grabowski, the discussion was an ongoing one. During weekly laboratory meetings, the research progress of all research associates, including Dr. Barnes, was reviewed. Eventually, the initial goal of three articles was lowered to one article. When no progress was made, Dr. Grabowski recommended that Dr. Barnes seek a different position at Children's Hospital, and later terminated her. For her part, Dr. Barnes insists that she was unaware that her position was contingent upon publishing an article. She points to her testimony that other research associates have remained employed at Children's Hospital for over ten years. Even if her testimony is credible, it is not clear whether those research associates had met their publishing goals. The credibility of the testimony of Dr. Grabowski and Dr. Barnes was for the hearing officer to determine. We conclude that the evidence supports the determination that Dr. Barnes was terminated for just

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cause. *See Irvine v. Unemp. Comp. Bd. of Rev.*, 19 Ohio St.3d 15, 18, 482 N.E.2d 587 (1985). And on the record before us, the determination was not unreasonable. The assignment of error is overruled.

Therefore, we affirm the trial court's judgment.

A certified copy of this judgment entry is the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

CUNNINGHAM, P.J., DEWINE and MOCK, JJ.

To the clerk:

Enter upon the journal of the court on November 18, 2015
per order of the court _____.

Presiding Judge