

COURT OF APPEALS OF OHIO, TENTH APPELLATE DISTRICT

Thompson v. Ohio Bur. of Workers' Comp.

2026-Ohio-720 · No. 25AP-561 · Decided March 3, 2026

SUMMARY

The Tenth District Court of Appeals of Ohio dismissed Chesney Nicole Thompson’s petition for a writ of mandamus against the Ohio Bureau of Workers’ Compensation and the Industrial Commission of Ohio. The court held that the petition failed to comply with the captioning requirement of R.C. 2731.04 because it was not brought in the name of the state on the relation of the applicant. The court adopted the magistrate’s findings and conclusions, rendered the remaining objections and pending motions moot, and dismissed the writ.

CASE DETAILS

COURT	Court of Appeals of Ohio, Tenth Appellate District
WRITING FOR THE COURT	Leland, J.; Dorrian, J.; Edelstein, J.
JURISDICTION	Court of Appeals of Ohio, Tenth Appellate District
DECIDED	March 3, 2026
DOCKET	25AP-561
DISPOSITION	dismissed
PROCEDURAL POSTURE	Original mandamus action in the court of appeals; the court reviewed objections to a magistrate's recommendation that the petition be dismissed sua sponte.
STANDARD OF REVIEW	The court independently reviewed the matter and reviewed the magistrate's decision under Civ.R. 53. The appended decision described the standards for Civ.R. 12(B)(1) and Civ.R. 12(B)(6), but the court's disposition rested on the captioning defect under R.C. 2731.04.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Chesney Nicole Thompson v. Ohio Bureau of Workers’ Compensation, Industrial Commission of Ohio

TOPICS

- writ of certiorari
- administrative law
- appellate procedure
- motions to dismiss
- subject matter jurisdiction

PRACTICE AREAS

administrative law

workers compensation

appellate procedure

civil procedure

employment law

QUESTIONS PRESENTED

1. Whether the petition for a writ of mandamus was subject to dismissal because it was not brought in the name of the State on the relation of the person applying, as required by R.C. 2731.04.
2. Whether the remaining objections concerning the adequacy of a legal remedy and the merits of the mandamus petition were moot after dismissal on the captioning ground.

HOLDINGS

1. A mandamus petition that is not brought in the name of the State on the relation of the person applying fails to comply with R.C. 2731.04, and that defect is grounds for sua sponte dismissal.
2. The objections addressing the adequacy of a legal remedy and the merits of the mandamus petition were rendered moot after the court dismissed the petition for failure to comply with R.C. 2731.04.

KEY QUOTATIONS

“Failure to comply with this requirement is grounds for dismissal of a mandamus complaint.” (§ 6)

“Such deficiency, as also determined by the magistrate, is grounds for dismissal of a mandamus complaint, and we agree with the magistrate’s recommendation to sua sponte dismiss the petition on that basis.” (§ 8)

“We therefore adopt the magistrate’s findings of fact and conclusions of law as our own, except to the extent we decline to address the alternative basis for dismissal as raised in relator’s second objection.” (§ 10)

FACTUAL BACKGROUND

Thompson alleged that she had an active workers' compensation claim arising from a November 24, 2021 workplace injury. She sought substantial compensation, penalties, housing support, restitution of attorney fees, reinstatement of medical treatment, and reversal of alleged benefit denials through mandamus. Her petition was captioned in her own name rather than in the name of the State on the relation of the person applying, as required by R.C. 2731.04.

PROCEDURAL HISTORY

Thompson filed a petition for a writ of mandamus on July 7, 2025, seeking workers' compensation payments, restitution, reinstatement of medical treatment, and other relief. The matter was referred to a magistrate, who recommended sua sponte dismissal for failure to comply with the captioning requirement of R.C. 2731.04 and, alternatively, for failure to allege the absence of an adequate remedy at law. The Court of Appeals overruled Thompson's first objection, rendered the remaining objections moot, adopted the magistrate's findings and conclusions except for the alternative basis it declined to address, dismissed the writ, and rendered all pending motions moot.

DISPOSITION

dismissed

CASES CITED

- Salemi v. Cleveland Metroparks, 2016-Ohio-1192, ¶ 15
- State ex rel. Harper v. Perlatti, 2025-Ohio-1313
- Wright v. Application for Relief from Disability, 2025-Ohio-1425, ¶¶ 5-6 (10th Dist.)
- State ex rel. Doe v. Gallia Cty. Common Pleas Court, 2018-Ohio-2168, ¶ 8
- Shoop v. State, 2015-Ohio-2068, ¶ 10
- Blankenship v. Blackwell, 2004-Ohio-5596, ¶ 34
- Ashley v. Kevin O'Brien & Assocs. Co., L.P.A., 2022-Ohio-24, ¶ 10 (10th Dist.)
- Kenard v. Tucker, 2005-Ohio-6834, ¶ 7 (2d Dist.)
- Maloney v. Court of Common Pleas of Allen Cty., 173 Ohio St. 226 (1962)
- Davis v. Lucas Cty. Prosecutor's Office, 2002-Ohio-4657, ¶ 3 (6th Dist.)
- Snype v. Enlow, 2012-Ohio-1272, ¶ 4 (11th Dist.)
- Spencer v. State, 2020-Ohio-235, ¶ 5 (5th Dist.)
- In re Collado, 2020-Ohio-5337, ¶ 8 (8th Dist.)
- State ex rel. Wise v. Ryan, 2008-Ohio-1740, ¶ 29
- State ex rel. Parks v. Indus. Comm., 2004-Ohio-5534, ¶¶ 3-4
- In re Affidavit of Helms, 2022-Ohio-293, ¶ 6
- State ex rel. Russell v. Ohio Dept. of Rehab. & Corr., 2019-Ohio-4947, ¶ 7 (10th Dist.)
- State ex rel. Levin v. Schremp, 73 Ohio St.3d 733, 735 (1995)
- State ex rel. Maddox v. Village of Lincoln Hts., 2016-Ohio-5001, ¶ 10
- Interim HealthCare of Columbus, Inc. v. State Dept. of Adm. Servs., 2008-Ohio-2286, ¶ 15 (10th Dist.)
- Ohio Academy of Nursing Homes v. Ohio Dept. of Job & Family Servs., 2007-Ohio-2620, ¶ 18
- State ex rel. Bowling v. DeWine, 2021-Ohio-2902, ¶ 23 (10th Dist.)
- State ex rel. Midview Local School Dist. Bd. of Edn. v. Ohio School Facilities Comm., 2015-Ohio-435, ¶ 16 (9th Dist.)
- State ex rel. Belle Tire Distribs. v. Indus. Comm. of Ohio, 2018-Ohio-2122, ¶ 24
- State ex rel. Harris v. Toledo, 74 Ohio St.3d 36, 37-38 (1995)
- State ex rel. Alford v. Willoughby Civ. Serv. Comm., 58 Ohio St.2d 221, 224 (1979)
- State ex rel. Hanson v. Guernsey Cty. Bd. of Commrs., 1992-Ohio-73, 65 Ohio St.3d 545, 548
- State ex rel. Ullmann v. Hay, 2004-Ohio-1275, ¶ 6 (10th Dist.)
- Talwar v. State Med. Bd., 2004-Ohio-1301, ¶ 9 (10th Dist.)
- State ex rel. Berman Indus. v. Indus. Comm., 2005-Ohio-5083, ¶¶ 3, 30 (10th Dist.)
- In re Kerry Ford, Inc., 106 Ohio App.3d 643, 651 (10th Dist. 1995)
- Fox v. Eaton Corp., 48 Ohio St.2d 236, 238 (1976)

- T & M Machines, LLC v. Yost, 2020-Ohio-551, ¶ 9 (10th Dist.)
- State ex rel. Ohio Democratic Party v. Blackwell, 2006-Ohio-5202, ¶ 8
- Morrison v. Steiner, 32 Ohio St.2d 86, 87 (1972)
- Pratts v. Hurley, 2004-Ohio-1980, ¶ 11
- State ex rel. Tubbs Jones v. Suster, 84 Ohio St.3d 70, 75 (1998)
- Gipson v. Ohio Dept. of Rehab. & Corr., 2024-Ohio-226, ¶ 11 (10th Dist.)
- Southgate Dev. Corp. v. Columbia Gas Transm. Corp., 48 Ohio St.2d 211 (1976)
- State ex rel. Turner v. Houk, 2007-Ohio-814, ¶ 5
- State ex rel. Brisk v. Draf Indus., 2012-Ohio-1311, ¶ 10 (10th Dist.)
- Park v. Acierno, 2005-Ohio-1332, ¶ 29 (7th Dist.)
- Jones v. Dann, 2009-Ohio-5976, ¶ 9
- O'Brien v. Univ. Community Tenants Union, Inc., 42 Ohio St.2d 242 (1975)
- Red Foot Racing Stables v. Polhamus, 2020-Ohio-592, ¶ 11 (10th Dist.)
- Prime Invests., LLC v. Altimate Care, LLC, 2022-Ohio-1181, ¶ 23 (10th Dist.)
- York v. Ohio State Hwy. Patrol, 60 Ohio St.3d 143, 145 (1991)
- Bullard v. McDonald's, 2021-Ohio-1505, ¶ 11
- Morrow v. Reminger & Reminger Co. LPA, 2009-Ohio-2665, ¶ 7 (10th Dist.)