

SUPREME COURT OF OHIO

State ex rel. Schmidt v. School Employees Retirement System

100 Ohio St. 3d 317 (Ohio 2003) · Decided December 3, 2003

SUMMARY

The Ohio Supreme Court affirmed the denial of Patricia Schmidt’s mandamus action seeking disability retirement benefits from the School Employees Retirement System. The court held that Schmidt could not obtain reversal because she challenged only one of the independent grounds for denial and had waived any challenge to the magistrate’s findings by failing to object.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Per curiam; Moyer, C.J.; Resnick; F.E. Sweeney; Pfeifer; Lundberg Stratton; O'Connor; O'Donnell
JURISDICTION	Ohio
DECIDED	December 3, 2003
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the denial of a writ of mandamus by the Tenth District Court of Appeals.
STANDARD OF REVIEW	An appellate judgment will not be reversed when an unchallenged independent ground independently supports the judgment. Failure to object to a magistrate's findings and conclusions waives appellate assignment of error concerning those findings or conclusions.
PRECEDENTIAL VALUE	Published opinion; precedential decision of the Supreme Court of Ohio.
PARTIES	Patricia Schmidt v. School Employees Retirement System

TOPICS

- appellate procedure
- waiver
- civil procedure
- administrative law
- remedies

PRACTICE AREAS

- civil procedure
- appellate procedure
- administrative law
- mandamus

QUESTIONS PRESENTED

1. Whether the denial of the writ should be reversed when Schmidt challenged only one of two independent grounds supporting the judgment.
2. Whether Schmidt waived any challenge to the briefing-compliance ground by failing to object to the magistrate's decision.

HOLDINGS

1. A judgment supported by multiple independent grounds is not subject to reversal when the appellant challenges only one of those grounds, even if the challenged rationale is incorrect.
2. A party waives appellate error concerning a magistrate's finding of fact or conclusion of law by failing to object to it before the trial court.

KEY QUOTATIONS

“Even if the court’s rationale on this latter ground was incorrect, its judgment denying the writ is not subject to reversal because Schmidt does not challenge all of the independent reasons given by the court of appeals to deny the writ.” (¶ 5)

“A party shall not assign as error on appeal the court’s adoption of any finding of fact or conclusion of law unless the party has objected to that finding or conclusion under this rule.” (¶ 6)

FACTUAL BACKGROUND

Schmidt applied for disability retirement benefits from the School Employees Retirement System. After SERS denied or failed to grant the application, she sought a writ of mandamus compelling the benefits award. The court of appeals denied relief based in part on her failure to comply with appellate briefing requirements and in part on the precedent in Schwaben.

PROCEDURAL HISTORY

Schmidt filed a complaint seeking a writ of mandamus compelling SERS to grant her application for disability retirement benefits. The case was transferred from the Hamilton County Court of Appeals to the Franklin County Court of Appeals, where a magistrate recommended denial because Schmidt's brief did not comply with App.R. 19 and Loc.R. 12(J). After Schmidt failed to object, the court of appeals denied the writ on that ground and also relied on *State ex rel. Schwaben v. School Employees Retirement System*. The Supreme Court of Ohio affirmed because Schmidt challenged only the Schwaben rationale and not the independent briefing-compliance ground; it also held that any challenge to the magistrate-related briefing issue was waived by the failure to object.

DISPOSITION

affirmed

CASES CITED

- *State ex rel. Schwaben v. School Emp. Retirement Sys.*, 76 Ohio St. 3d 280, 667 N.E.2d 398 (1996)

- *Stewart v. Corrigan*, 97 Ohio St. 3d 80, 2002-Ohio-5316, 776 N.E.2d 103, ¶ 4
- *State ex rel. White v. Suster*, 95 Ohio St. 3d 465, 2002-Ohio-2482, 768 N.E.2d 1178, ¶ 3
- *Smith v. Null*, 143 Ohio App. 3d 264, 271, 757 N.E.2d 1200 (2001)
- *Boyd v. Ohio State Med. Bd.*, 144 Ohio App. 3d 384, 388, 760 N.E.2d 433 (2001)

OPINION

State ex rel. Schmidt v. School Employees Retirement System 100 Ohio St. 3d 317

PER CURIAM.

Per Curiam. {¶ 1} In January 2002, appellant, Patricia Schmidt, filed a complaint in the Court of Appeals for Hamilton County. In her complaint as subsequently amended, Schmidt requested a writ of mandamus to compel appellee, School Employees Retirement System (“SERS”), to grant her previously filed application for disability retirement benefits. Upon SERS’s motion, the case was transferred to the Court of Appeals for Franklin County. {¶ 2} The court of appeals referred the case to a magistrate under Civ.R. 53(C) and Loc.R. 12(M) of the Tenth District Court of Appeals. In November 2002, the magistrate issued a decision in which he recommended that the court of appeals deny the writ because Schmidt’s brief did not comply with the requirements of App.R. 19 and Loc.R. 12(J). {¶ 3} In April 2003, after Schmidt failed to file objections to the magistrate’s decision, the court of appeals denied the writ. The court of appeals “agree[d] with the magistrate’s determination that [Schmidt] failed to file a brief in compliance with Loc.R. 12(J) and App.R. 19, thereby justifying the denial of the requested writ of mandamus.” The court of appeals further concluded that “the argument [Schmidt] appears to advance was rejected” in *State ex rel Schwaben v. School Emp. Retirement Sys.* (1996), 76 Ohio St.3d 280, 667 N.E.2d 398. {¶ 4} On appeal, Schmidt asserts that we should reconsider our decision in *Schwaben*. {¶ 5} Schmidt is not entitled to reversal of the judgment denying the writ. Although the court of appeals gave two reasons to deny the writ, i.e., failure to comply with the briefing requirements of App.R. 19 and Loc.R. 12(J) and our holding in *Schwaben*, she challenges only the court of appeals’ reliance on *Schwaben* in this appeal. Even if the court’s rationale on this latter ground was incorrect, its judgment denying the writ is not subject to reversal because Schmidt does not challenge all of the independent reasons given by the court of appeals to deny the writ. See *Stewart v. Corrigan*, 97 Ohio St.3d 80, 2002-Ohio-5316, 776 N.E.2d 103, ¶ 4 (“even if the court’s rationale on this ground was incorrect, its judgment denying the writ based on the grounds that Stewart does not contest on appeal was proper”); *State ex rel. White v. Suster*, 95 Ohio St.3d 465, 2002-Ohio-2482, 768 N.E.2d 1178, ¶ 3. That is, Schmidt does not challenge the propriety of the court of appeals’ denial of the writ based on her failure to comply with the briefing requirements of App.R. 19 and Loc.R. 12(J). Croskery & Associates Co., L.P.A., and Robert F. Croskery, for appellant. Jim Petro, Attorney General, and Judith T. Edwards, Assistant Attorney General, for appellee. {¶ 6} Moreover, even if Schmidt had raised this briefing issue on appeal, she waived any error by failing to object to the court of appeals’ adoption of the magistrate’s findings of fact and conclusions of

law. “A party shall not assign as error on appeal the court’s adoption of any finding of fact or conclusion of law unless the party has objected to that finding or conclusion under this rule.” Civ.R. 53(E)(3)(d); Loc.R. 12(M)(1) of the Tenth District Court of Appeals (“the proceedings and decision of the magistrate and objections thereto shall be governed by Civ.R. 53”); see, also, *Smith v. Null* (2001), 143 Ohio App.3d 264, 271, 757 N.E.2d 1200; *Boyd v. Ohio State Med. Bd.* (2001), 144 Ohio App.3d 384, 388, 760 N.E.2d 433. {¶ 7} Therefore, we need not consider Schmidt’s argument concerning the applicability of Schwaben to SERS’s decision to deny her application for disability retirement benefits. We affirm the judgment of the court of appeals. Judgment affirmed. Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton, O’Connor and O’Donnell, JJ., concur.