

COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT,
CUYAHOGA COUNTY

Temethy v. Dept. Job & Family Servs.

2026-Ohio-930 · No. 115202 · Decided March 19, 2026

SUMMARY

The Eighth District Court of Appeals of Ohio affirmed the dismissal of Roger George Temethy’s complaint against the Ohio Department of Job and Family Services and the Ohio Court of Claims. The court held that money-damages claims against the department belong in the Ohio Court of Claims and that unemployment-compensation claims must proceed through the administrative framework in R.C. Chapter 4141 before judicial review. It also held that the Ohio Court of Claims is not sui juris and cannot be sued absent statutory authority.

CASE DETAILS

COURT	Court of Appeals of Ohio, Eighth Appellate District, Cuyahoga County
WRITING FOR THE COURT	Mary J. Boyle, Presiding Judge; Anita Laster Mays, Judge; Kathleen Ann Keough, Judge
JURISDICTION	Court of Appeals of Ohio, Eighth Appellate District, Cuyahoga County
DECIDED	March 19, 2026
DOCKET	115202
DISPOSITION	affirmed
PROCEDURAL POSTURE	Temethy appealed the Cuyahoga County Court of Common Pleas' dismissal of his complaint under Ohio Civ.R. 12(B)(1) for lack of subject-matter jurisdiction.
STANDARD OF REVIEW	De novo review applies to a trial court's ruling on a motion to dismiss under Civ.R. 12(B)(1).
PRECEDENTIAL VALUE	published
PARTIES	Roger George Temethy v. Ohio Department of Job & Family Services, Ohio Court of Claims

TOPICS

- subject matter jurisdiction
- motions to dismiss
- unemployment benefits
- exhaustion of remedies
- appellate procedure

PRACTICE AREAS

civil procedure

administrative law

employment law

appellate procedure

QUESTIONS PRESENTED

1. Whether the common pleas court had subject-matter jurisdiction over Temethy's claim for money damages against the Ohio Department of Job and Family Services.
2. Whether the Ohio Court of Claims is a proper party capable of being sued.
3. Whether the common pleas court had jurisdiction to determine Temethy's unemployment-compensation claim when he had not exhausted the administrative remedies provided by R.C. Chapter 4141.
4. Whether the appellate court should disregard Temethy's assignments of error because his brief failed to comply with App.R. 16(A).

HOLDINGS

1. The Ohio Court of Claims is not sui juris and cannot be sued absent express statutory authority permitting suit against it.
2. The common pleas court lacked subject-matter jurisdiction over Temethy's claim for money damages against ODJFS because ODJFS is an agency of the State of Ohio and such claims fall within the Ohio Court of Claims' exclusive original jurisdiction.
3. The common pleas court lacked subject-matter jurisdiction because unemployment-compensation claims are governed by the special statutory procedures in R.C. Chapter 4141, and Temethy did not exhaust the required administrative remedies before filing suit.
4. A trial court's ruling on a motion to dismiss for lack of subject-matter jurisdiction under Civ.R. 12(B)(1) is reviewed de novo.

KEY QUOTATIONS

“Absent express statutory authority, a court can neither sue nor be sued in its own right.”

“Jurisdiction to review administrative determinations is conferred upon the court of common pleas only after an interested party has exhausted available administrative remedies.”

“courts “patently and unambiguously” lack jurisdiction to entertain complaints that seek to bypass special statutory proceedings.”

FACTUAL BACKGROUND

Temethy alleged that he was owed unemployment compensation related to claims from more than ten years earlier and sought \$300,000 from the Ohio Department of Job and Family Services and the Ohio Court of Claims. He also alleged threats by the Ohio State Patrol and a former ODJFS chief inspector, although those allegations were not clearly tied to a cognizable claim in this action. He had previously filed substantially the same action, which was dismissed for lack of subject-matter jurisdiction. In the present action, he bypassed the administrative process for unemployment-benefit determinations and filed directly in the common pleas court.

PROCEDURAL HISTORY

Temethy filed a pro se complaint seeking \$300,000 from each appellee based principally on allegedly unpaid unemployment compensation. The common pleas court dismissed the action for lack of subject-matter jurisdiction, concluding that the Ohio Court of Claims could not be sued, that money-damages claims against the Ohio Department of Job and Family Services belonged in the Court of Claims, and that unemployment claims were subject to a special statutory proceeding. The Eighth District addressed the arguments in the interest of justice despite appellate-rule deficiencies and affirmed.

DISPOSITION

affirmed

CASES CITED

- State ex rel. Everhart v. McIntosh, 2007-Ohio-4798, ¶ 8
- Estate of Fleenor v. Ottawa Cty., 2022-Ohio-3581, ¶ 3, fn. 1
- Mollette v. Portsmouth City Council, 2006-Ohio-6289, ¶ 1 (4th Dist.)
- Fisher v. Fisher, 2011-Ohio-5251, ¶ 43 (8th Dist.)
- Baker v. Ohio Dept. of Rehab. & Corr., 144 Ohio App. 3d 740, 745 (4th Dist. 2001)
- Morrison v. Steiner, 32 Ohio St. 2d 86, 86 (1972)
- State v. Hudson, 2022-Ohio-1435, ¶ 22
- Pratts v. Hurley, 2004-Ohio-1980, ¶ 21
- Martin v. Accel Schools Ohio, 2025-Ohio-3150, ¶ 15 (8th Dist.)
- Johnson v. Cleveland City School Dist., 2011-Ohio-2778, ¶ 53 (8th Dist.)
- Malone v. Court of Common Pleas, 45 Ohio St. 2d 245, 248 (1976)
- Todd v. United States, 158 U.S. 278, 284 (1895)
- State ex rel. Cleveland Mun. Court v. Cleveland City Council, 34 Ohio St. 2d 120, 121 (1973)
- Conley v. Shearer, 64 Ohio St. 3d 284, 286 (1992)
- Boggs v. State, 8 Ohio St. 3d 15, 16-17 (1983)
- Nemazee v. Mt. Sinai Med. Ctr., 56 Ohio St. 3d 109, 111 (1990)
- Noernberg v. Brook Park, 63 Ohio St. 2d 26, 29 (1980)
- State ex rel. Lieux v. Westlake, 154 Ohio St. 412 (1951)
- Campbell v. Ohio Bur. of Emp. Serv., 74 Ohio App. 3d 603, 605 (3d Dist. 1991)
- State ex rel. Smith v. Frost, 74 Ohio St. 3d 107, 112 (1995)
- State ex rel. Albright, 60 Ohio St. 3d 40, 42 (1991)