[Cite as *Lathan v. Andrews*, 2015-Ohio-1249.]

STATE OF OHIO	)	IN THE COURT OF APPEALS
	)ss:	NINTH JUDICIAL DISTRICT
COUNTY OF SUMMIT	)	

SHARNAE LATHAN	C.A. No. 27447
Appellee	
v.	APPEAL FROM JUDGMENT ENTERED IN THE
KENYUNUS ANDREWS	COURT OF COMMON PLEAS COUNTY OF SUMMIT, OHIO
Appellant	CASE No. 2007-02-0464

DECISION AND JOURNAL ENTRY

Dated: March 31, 2015

HENSAL, Presiding Judge.

{¶1} Kenyunus Andrews ("Father") appeals from the journal entry of the Summit County Court of Common Pleas, Domestic Relation Division. For the reasons set forth below, we dismiss for lack of jurisdiction.

I.

{¶2} Mr. Andrews and Sharnae Lathan ("Mother") are the parents of S.L. On August 31, 2007, the trial court issued an order establishing Mr. Andrews' monthly support obligation. On September 16, 2013, the Summit County Child Support Enforcement Agency ("CSEA") conducted an administrative hearing "pursuant to O.R.C. §3119.63" to review the child support order. The hearing officer "recommended that * * * [t]he court issue a revised amount of child support to be paid under the child support order[and that] [t]he revised child support order would be $878.08 per month * * * when private health insurance is being provided."

{¶3} Father filed objections to the hearing officer's recommendations, and the matter was heard before a magistrate. The magistrate issued a decision on February 6, 2014, that the trial court adopted and incorporated into a judgment entry issued the same day. Father filed timely objections to the magistrate's decision, and the trial court overruled his objections and ordered, "The Administrative Order issued by the CSEA shall remain in effect."

{¶4} Father has appealed, raising a single assignment of error for our review.

II.

ASSIGNMENT OF ERROR

THE TRIAL COURT ERRED BY ADMITTING [A] HEARSAY STATEMENT AS PROOF OF CHILD CARE COST.

{¶5} This Court is obligated to raise sua sponte questions related to our jurisdiction. *Whitaker–Merrell Co. v. Geupel Constr. Co., Inc.*, 29 Ohio St.2d 184, 186 (1972). This Court has jurisdiction to hear appeals only from final judgments. Article IV, Section 3(B)(2), Ohio Constitution; R.C. 2505.02. In the absence of a final, appealable order, this Court must dismiss the appeal for lack of subject matter jurisdiction. *Price v. Klapp*, 9th Dist. Summit No. 27343, 2014-Ohio-5644, ¶ 6. "'An order is a final appealable order if it affects a substantial right and in effect determines the action and prevents a judgment.'" *Id.*, quoting *Yonkings v. Wilkinson*, 86 Ohio St.3d 225, 229 (1999). *See also* R.C. 2505.02(B)(1).

{¶6} In this case, the trial court overruled Father's objections to the magistrate's decision and ordered that "[t]he Administrative Order issued by the CSEA shall remain in effect." However, this statement is ambiguous because it is not clear to what the trial court is referring. Although there is a document in the record that could be considered an administrative order issued by the CSEA, the trial court never refers to it in its journal entry and the hearing officer's decision, to which the trial court does refer, recommends a very different modification

to the child support order. An order that fails to fully determine the rights and obligations in an unambiguous manner is not a final, appealable order. *See Edwards v. Vito Gironda Constr. Co.*, 9th Dist. Summit No. 24322, 2008-Ohio-5974, ¶ 11-12. *See also Landis v. Associated Materials, Inc.*, 9th Dist. Wayne No. 06CA0005, 2006-Ohio-5060, ¶ 7-15.

{¶7} Furthermore, even assuming the "Administrative Order" the trial court refers to in its journal entry is the hearing officer's decision, that decision did not actually modify the child support obligation.[1] The hearing officer's decision noted that the administrative hearing had been conducted pursuant to Revised Code Section 3119.63, implicitly recognizing that the trial court had previously entered a child support order in this case on August 31, 2007. Section 3119.63 governs the review of a court child support order, requiring CSEA (1) to calculate a revised amount of child support to be paid, (2) to give notice to the obligor and obligee of their right to request an administrative hearing of the revised amount, to hold such a hearing if requested by the obligor or obligee, and, (3) if a hearing is held, to provide notice to the obligor and the obligee that they have the right to request a court hearing of the revised amount.[2] R.C. 3119.63(A), (B), and (E). If neither the obligor nor the obligee request an administrative hearing or a court hearing regarding the revised amount of child support, Sections 3119.63(D) and (F) require the CSEA to "submit the revised amount of child support to the court for inclusion in a *revised* court child support order." (Emphasis added.).

[1] The trial court recognized this in its journal entry: "On or about September 16, 2013, the [CSEA] conducted an administrative review and *recommended* that [Father's] support obligation be increased to $878.08 per month * * * when private health insurance is provided." (Emphasis added.).

[2] Section 3119.63(C) permits the parties to request a court hearing without an administrative hearing if either the court order or the recommended modification contain a deviation pursuant to Section 3119.23.

{¶8} In short, Section 3119.63 does not permit the CSEA to modify the court's child support order; it may only recommend a modification, and the court must issue a modified order. *Compare* R.C. 3119.63(D) and (F) *with* R.C. 3119.61(B) (The CSEA shall, "[i]f neither the obligor nor obligee timely requests an administrative hearing on the revised amount of child support, *modify the administrative child support order* to include the revised child support amount[.]") (Emphasis added.). Therefore, the hearing officer's recommendation for modifying the child support did not modify the child support, and the trial court's order that "[t]he Administrative Order issued by the CSEA shall remain in effect" would also not have an effect since the hearing officer's decision never had an effect. Thus, the court's order did not modify the court's original child support order and did not affect the substantial rights of Father as the original order remains in effect. Accordingly, it is not a final, appealable order, and this Court lacks jurisdiction over Father's appeal. *See* Article IV, Section 3(B)(2), Ohio Constitution; R.C. 2505.02.

III.

{¶9} In light of the foregoing, this Court dismisses Father's appeal.

Appeal dismissed.

Immediately upon the filing hereof, this document shall constitute the journal entry of judgment, and it shall be file stamped by the Clerk of the Court of Appeals at which time the period for review shall begin to run. App.R. 22(C). The Clerk of the Court of Appeals is instructed to mail a notice of entry of this judgment to the parties and to make a notation of the mailing in the docket, pursuant to App.R. 30.

Costs taxed to Appellant.

JENNIFER HENSAL
FOR THE COURT

WHITMORE, J.
MOORE, J.
CONCUR.

APPEARANCES:

KENYUNUS ANDREWS, pro se, Appellant.

DOUGLAS BOND, Attorney at Law, for Appellee.