

Ohio | Industrial Commission

ANNUAL FISCAL REPORT

2019





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LETTER FROM THE CHAIRMAN



It is my pleasure to present the Ohio Industrial Commission's Annual Report for Fiscal Year (FY) 2019.

Our agency has adjudicated more than 111,000 workers' compensation appeals throughout the state during the previous fiscal year, while executing numerous innovative ideas to better serve our customers.

Under the leadership of Governor Mike DeWine, the Ohio Industrial Commission (IC) is committed to being an exemplary state agency. This report details our agency's accomplishments and demonstrates that the IC continues to put customer service and fiscal responsibility at the forefront of everything we do.

A few of our fiscal year highlights:

- Implemented a process to allow injured worker self-service password recovery within the Industrial Commission Online Network (ICON);
- Improved performance for large document upload for representatives within ICON;
- Installed a process to allow all parties to request additional time for scheduled hearings within ICON;
- Upgraded ICON to date stamp documents uploaded through the system;
- Upgraded our agency's internal website with a new design and easier navigation, which improves communication and allows our employees to perform their job duties more efficiently;
- Implemented a Case Manager solution for the permanent total disability process;
- Reduced the amount of outstanding subpoenas from the 2018 high of 29 to a current low of five;
- Undertook a comprehensive review of nearly 350 outstanding resolutions, policy statements and internal memoranda, which stretched back nearly 75 years. We were able to identify and ultimately rescind 201 documents, modify 17, and promulgate eight;
- Decreased mandamus complaints during FY 17-18 by 13 percent and decreased writ grants by the Court of Appeals by over 70 percent;
- Replaced the front counter in the Cleveland Regional Office to enhance customer service;
- Created an additional exit in the lobby of the Youngstown District Office to improve public safety; and
- Worked alongside the Ohio Bureau of Workers' Compensation to complete renovations in the Lima, Mansfield and Portsmouth District Offices.

In the next fiscal year, the IC will continue our dedication to excellent customer service and fiscal accountability.

We will also remain committed to our mission: Providing Ohio's injured workers and employers with timely, impartial resolution of their workers' compensation appeals in an environment of fairness and compassion.

Sincerely,

A handwritten signature in blue ink that reads "Jim Hughes". The signature is fluid and cursive, with a long horizontal line extending from the end.

Jim Hughes, *Chairman*



ABOUT US

The Ohio Industrial Commission (IC) conducts more than 111,000 hearings each fiscal year, and most of these hearings take place within 45 days of the original claim appeal. This time frame means you may expect first-rate customer service as the IC provides a forum for appealing Ohio Bureau of Workers' Compensation (BWC) and self-insuring employer decisions. Since 1912, the IC has resolved issues between parties who have a dispute in a workers' compensation claim. With each claim, the agency is dedicated to providing information and resources to help customers navigate through the appeals process.

The IC conducts hearings on disputed claims at three levels: the District level, the Staff level, and the Commission level. The Governor appoints the three-member Commission, and the Ohio Senate confirms these nominations. By previous vocation, employment or affiliation, it is mandated that one member of the Commission represents employees, one represents employers and one represents the public.

During this fiscal year, Chairman Thomas H. Bainbridge represented the employees; Jodie M. Taylor represented employers; and Karen L. Gillmor represented the public. Jim Hughes was appointed by Governor Mike DeWine to be the chairman and employee member for a term that began on July 1, 2019.

COMMISSIONERS



Jim Hughes, Chairman
Employee Member
Dates of Service: July 2019 - June 2025

Jim Hughes has spent his career demonstrating his passion for public service.

He was appointed by Governor Mike DeWine to be the chairman and employee member of the Ohio Industrial Commission for a term that began on July 1, 2019.

Jim brings decades of legal knowledge and public policy experience to his role as chairman. He began his career as a bailiff and court constable in the Franklin County Court of Common Pleas. He later served as assistant prosecutor in the City of Columbus Prosecutor's Office and then as assistant prosecutor for Franklin County. He also worked previously as an attorney and partner at the Isaac Wiles law firm in Columbus. Combining these experiences, he had practiced for over 25 years in both the public and private sectors.

In 2000, he was appointed to the Ohio House of Representatives and was later elected to the Ohio Senate in 2008. During his 18 years in the Ohio General Assembly, Jim supported legislation that toughened criminal penalties, protected children, reformed taxes, streamlined regulations, and incentivized businesses to settle in Ohio. He also served on many legislative committees including Civil Justice, Insurance and Financial Institutions, Energy and Public Utilities, Transportation and Public Safety, and Criminal Justice.

Jim has received numerous accolades from several groups over the course of his career. He has been named Legislator of the Year by the FOP Capitol City Lodge No. 9, the Ohio Fire Chief's Association, the Ohio Nurses Association, the Ohio Association of Professional Firefighters and the AMVETS Department of Ohio. In addition, he has received the Ohio Association for Justice Workers Compensation Outstanding Service Award, and the Watchdog of the Treasury Award, among others.

Jim earned his Juris Doctorate at Capital University Law School after completing his bachelor's degree in business administration at The Ohio State University. He and his wife Susan live in Upper Arlington, and have a daughter, Kaela.



Jodie M. Taylor
Employer Member
Dates of Service: July 2015 - June 2021

Jodie Taylor brings years of workers' compensation experience to her role as Commissioner of the Ohio Industrial Commission.

In July 2009, Jodie was appointed as the employer member of the Commission. On January 14, 2011, Governor John Kasich appointed Commissioner Taylor as Chairperson of the Commission. Jodie served in this capacity until July 2011.

On February 13, 2013, Governor Kasich again appointed Jodie as Chairperson of the Commission. Jodie served in this position until July 2013. In June 2015, Governor Kasich reappointed Jodie to a second term which will end in June 2021.

Her first day on the job was a homecoming for Jodie. From 1997 to 2000, Jodie served as an assistant to an IC Commissioner. In this role, she performed legal and legislative research, assisted during hearings, and gained an extensive understanding of the agency. After leaving the Commission, Jodie served as an attorney for two Columbus law firms, where she represented state-fund and self-insured employers at all levels of IC hearings and in court actions throughout Ohio. She is also a frequent lecturer on workers' compensation issues with extensive legal knowledge in both the private and public sectors.

Jodie earned her bachelor's degree in diplomacy and foreign affairs from Miami University in 1991. While at Miami, Jodie studied overseas in Luxembourg. In 1995, she received her law degree from the University of Akron School of Law. She is an Ohio State Bar Association member and is a board-certified specialist in workers' compensation.

Jodie lives in Dublin with her husband, Michael. In October 2009, they welcomed twins, a boy and a girl, Evan and Elizabeth.



Karen L. Gillmor, Ph.D.

Public Member

Dates of Service: July 2017 - June 2023

With over three decades of dedicated public service, Karen brings a tremendous knowledge of workers' compensation issues to the Industrial Commission of Ohio.

A native of Ohio, she earned her diploma from Rocky River High School before earning a bachelor's degree with honors from Michigan State University and a master's degree and Ph.D. from The Ohio State University.

Her career shows a passionate interest in the fields of health care, labor relations and workers' compensation. From 1983 to 1986, Karen served as Chief of Management Planning and Research at the Industrial Commission of Ohio. In this position, she authored a study of self-insurance, which was incorporated into Ohio's omnibus workers' compensation reform law. She also served as the employee representative to the Industrial Commission of Ohio's Regional Board of Review and the Ohio Bureau of Workers' Compensation Oversight Commission. Karen was first appointed to the IC by Governor John Kasich in July 2011 and was appointed to a second term in July 2017.

Before coming to the IC, Karen was elected to Ohio's 26th Senate District seat in 1992, 1996 and 2008. She chaired the Senate Insurance, Commerce and Labor Committee, was a member of the Unemployment Compensation Advisory Committee, and the Labor-Management-Government Committee. She served as vice chair of the State Employment Relations Board from 1997 to 2007 and was a consultant to the United States Secretary of Labor.

Nationally, Karen served on the Health Committee of the American Legislative Exchange Council, as well as on the Health and Human Services Committee of the Council of State Governments' Midwestern Region.

Karen was married to United States Congressman Paul Gillmor, who tragically passed away in 2007. They have five children, Linda, Julie, Paul Michael and twins Connor and Adam.



FISCAL YEAR HIGHLIGHTS

In addition to the Commissioners, there are 79 hearing officers — all attorneys — in five regional and seven district offices throughout the state.

In fiscal year (FY) 2019, the Industrial Commission (IC) heard 111,316 claims at all adjudicatory levels. District Hearing Officers (DHOs) heard 77,387 claims, while Staff Hearing Officers (SHOs) heard 33,730 claims, and the Commission heard 199 claims.

The IC consistently adjudicated claims within the timeframes mandated by R.C. 4123.511 throughout this fiscal year. The statutory requirement from the filing of a motion or appeal to the date of a hearing timeframe is set at 45 days. For Filing to Hearing, both Allowance and Appeal docket issues averaged 35 days. The agency performance benchmark for the filing of a motion or appeal to the mailing of an order is set at 52 days. For Filing to Mailing, Allowance docket issues averaged 39 days while Appeal docket issues averaged 40 days.

The Industrial Commission Online Network (ICON) has made it easy for parties to file motions and appeals online. First level motions and appeals filed on ICON this fiscal year totaled 47,578. Second level and above ICON filings, inclusive of appeals filed to DHO and SHO orders, totaled 51,151 in FY 2019.

Customer Service received and responded to 1,047 AskIC submissions during the fiscal year. AskIC@ic.ohio.gov is the e-mail address where IC customers can submit their questions or requests directly to the Customer Service Department. The department also provided 1,221 interpreters for injured workers hearings. In addition, our toll-free customer line and two local customer service lines received 7,564 calls during this time frame. Staff personnel assisted 20,302 people at our Columbus office. Customer Service also processed 40,205 documents.

INVENTORY

Motion/Appeal Filings

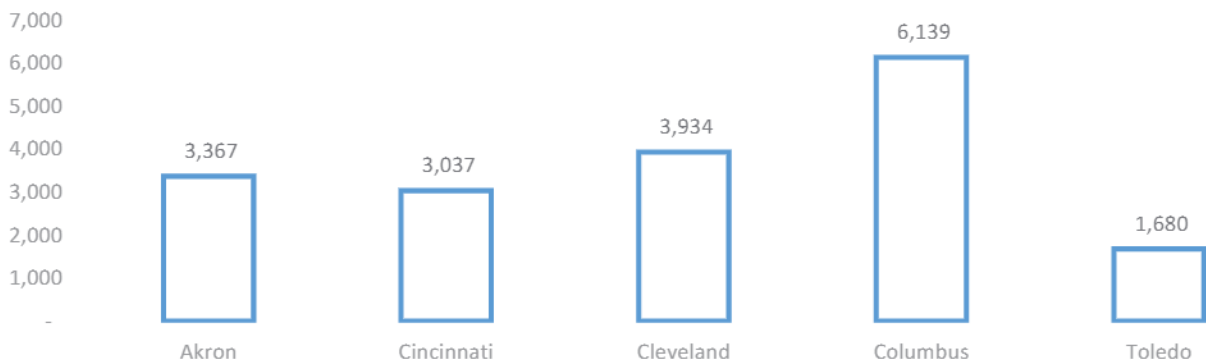
Ohio Industrial Commission (IC) workloads and performance are initiated by and heavily dependent upon the volume of new motion and appeal filings. IC inventory volume is variable depending on appeal filings, claim flows from the Bureau of Workers' Compensation (BWC), docketing volume, and other similar factors.

Approximately 109,447 new first level motions and appeals were filed during FY 2019 for 69,321 separate claims.

Hearing Inventory

Statewide average monthly DHO/SHO inventory, inclusive of medical inventory, was 18,580 for FY 2019. Regional breakdown of average inventories for FY 2019 is as follows: Columbus - 34 percent; Cleveland - 22 percent; Akron - 18 percent; Cincinnati - 17 percent; and Toledo - 9 percent.

Average Monthly Inventory | FY 2019



HEARING ACTIVITY

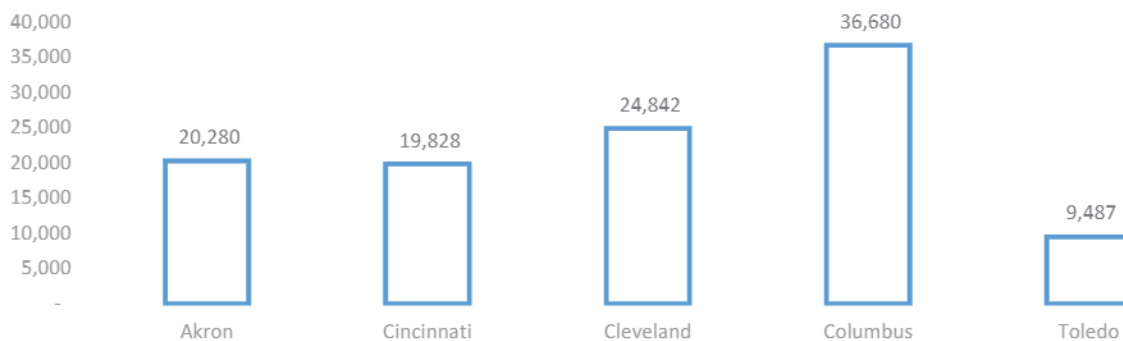
Formal hearings and administrative reviews account for the majority of Industrial Commission (IC) activity. In FY 2019, the IC made approximately 149,978 decisions on issues arising from workers' compensation claims.

During FY 2019, the IC performed 38,662 administrative reviews and heard a total of 111,316 claims across all adjudicatory levels. Claims heard is inclusive of hearings at the DHO, SHO, Deputy, and Commission venues. Administrative reviews incorporate issues that do not initially require formal adjudication via hearing (Hearing Administrator issues, Commission requests, etc.). These issues receive review and processing at the claims examining, word processing, and hearing officer levels but are not typically reflected in routine production reports under DHO or SHO dockets. These issues may subsequently result in a hearing under the normal adjudicatory processes and are reflected accordingly under respective hearing venues.

Claims Heard

The total DHO hearing volume accounts for 70 percent of the overall hearings during FY 2019 at 77,387 claims heard, while the SHO volume is recorded at 33,730 claims heard. Deputy venue claims heard totaled 54 in FY 2019 while the Commission venue recorded 145 claims heard. Total claims heard is inclusive of continuances, referrals, dismissals, and other final determinations made as a result of a hearing.

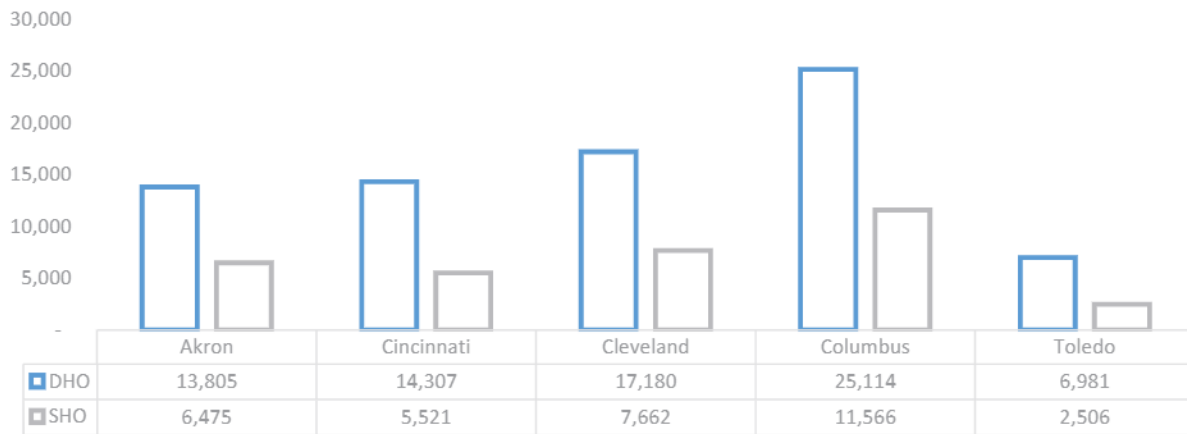
Claims Heard By Region* | FY 2019



Regionally, the distribution of FY 2019 claims heard at DHO and SHO hearing levels is as follows: Columbus at 33 percent; Cleveland at 22 percent; Akron and Cincinnati at 18 percent each; and Toledo at 9 percent.

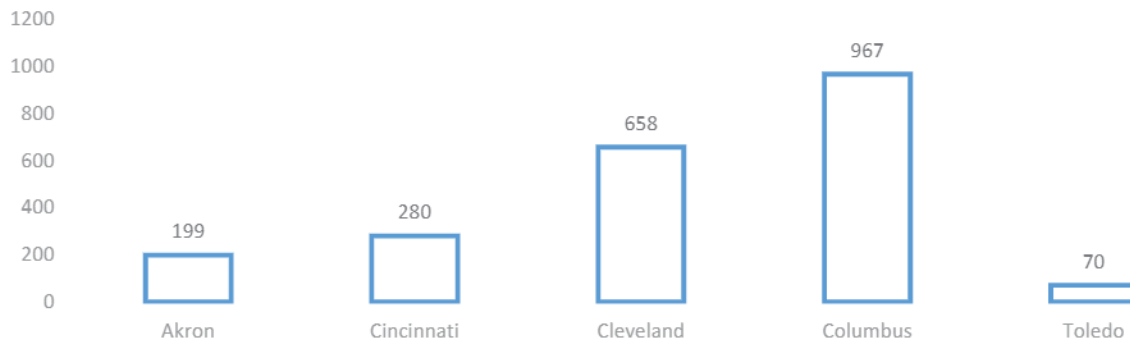
DHO and SHO hearings were conducted on 244 days during FY 2018. An average of 455 claims were heard per hearing day at the DHO and SHO hearing levels. District Hearing Officers averaged 317 claims heard per day while Staff Hearing Officers averaged 137 claims heard per day.

DHO/SHO Claims Heard | FY 2019



A total of 2,174 hearing records were flagged as requiring interpreter services during FY 2019 accounting for about two percent of total hearings held.

Hearings Held Requiring Interpreters | FY 2019



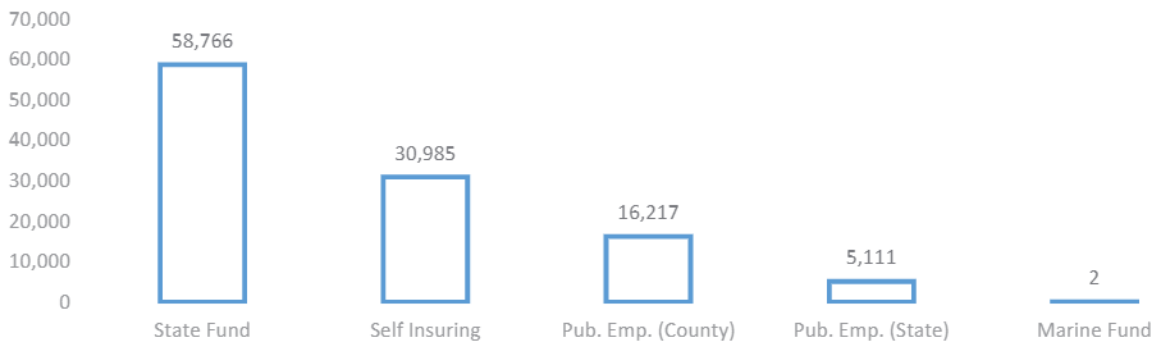
Note: An interpreter may not have been present at each hearing.

HEARING ACTIVITY

Hearings Held by Employer Group

Hearings were conducted for approximately 29,315 various employers in FY 2019. Hearings for claims of private state funded employers accounted for 53 percent of all hearings while self-insuring employers accounted for 29 percent; public county employers accounted for 13 percent; public state employers' claims accounted for 5 percent; and marine funded employers' claims accounted for less than one percent (percentages may not equal 100% due to rounding).

Hearings Held by Employer Group | FY 2019



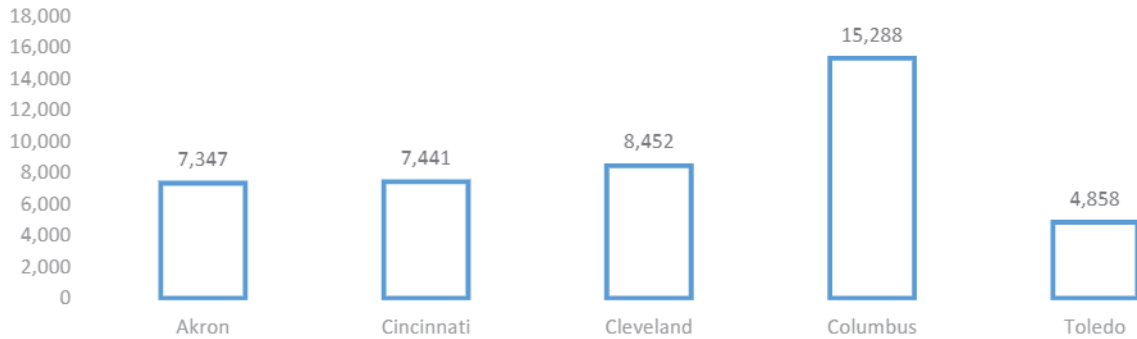
HEARING ACTIVITY

Hearing Administrator

Hearing Administrators perform a variety of functions that facilitate the adjudication process. In addition to processing approximately 23,740 continuance requests during FY 2019, they also processed 14,540 requests to cancel scheduled hearings. Additionally, Hearing Administrators processed requests for extensions related to PTD filings and requests regarding other miscellaneous issues.

Statewide, Hearing Administrators made decisions on, or referred to hearing, approximately 43,386 issues during FY 2019. Regional volumes of Hearing Administrator activity are presented in the graph below.

Hearing Administrator Decisions | FY 2019



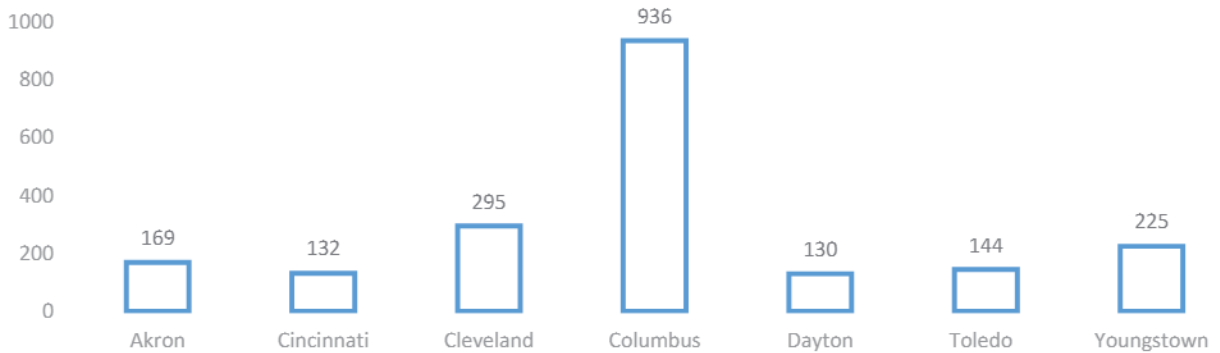
HEARING ACTIVITY

Medical Activity

The Industrial Commission schedules medical exams for injured workers that have filed for permanent total disability benefits related to work injuries. Most of these claims will result in a subsequent hearing. The volume of claims within the IC medical section as of June 30, 2019, was 316 claims.

A total of 2,031 specialist exams and medical reviews were performed on behalf of the Industrial Commission during FY 2019.

Medical Specialist Exams and Reviews | FY 2019



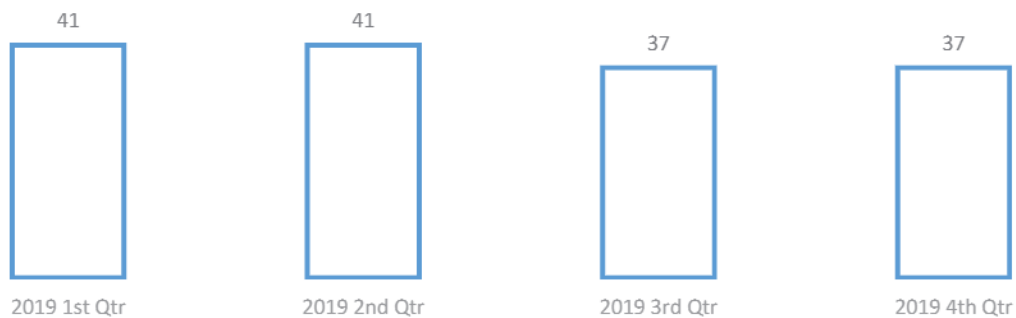
PERFORMANCE

Ohio Industrial Commission (IC) mandated hearing timeframes for DHO, SHO, and Commission hearing venues are required by R.C. 4123.511. On average, all IC offices and venues performed within the statutory limits requiring a claim to be heard within 45 days of a motion or appeal filing. The IC benchmark for Filing to Mailing is set at 52 days; this performance measure is based on the entirety of the hearing process and combines the two statutory periods Filing to Hearing (45 days) and Hearing to Mailing (7 days).

District Hearing Officer Performance

DHOs conduct hearings on two types of formal dockets – Allowance (primarily injury allowance, compensation, and treatment issues) and C-92 (permanent partial disability issues). Only Allowance docket issues fall under timeframe requirements outlined in R.C. 4123.511. DHOs heard a total of 61,274 Allowance docket claims during FY 2019. Of those, 43,982 qualified for inclusion in time studies. Per statute, appeals or motions heard on DHO Allowance dockets must be heard within 45 days of filing. In FY 2019, Allowance dockets averaged 35 days for the statutory Filing to Hearing period. On average, the DHO Allowance process (Filing to Mailing) was completed within 39 days during FY 2019.

DHO Allowance Filing to Mailing Performance | FY 2019

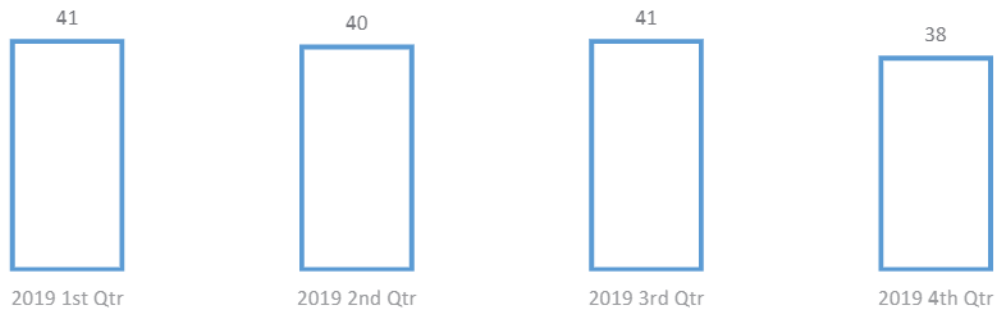


PERFORMANCE

Staff Hearing Officer Performance

SHOs conduct hearings on five types of formal dockets – Appeal (primarily injury allowance, compensation, and treatment issues), PTD (permanent total disability), Reconsideration (permanent partial disability issues), VSSR (violations of specific safety requirements), and *Misc.* (other issues not designated to a pre-defined docket type). Only Appeal docket issues fall under timeframe requirements outlined in R.C. 4123.511. SHOs heard a total of 28,893 appeal claims during FY 2019. Of those, 24,787 qualified for inclusion in time studies. Per statute, Staff hearing level appeals must be heard within a 45-day period. In FY 2019, SHO Appeal processes averaged 35 days for the statutory *Filing to Hearing* period.

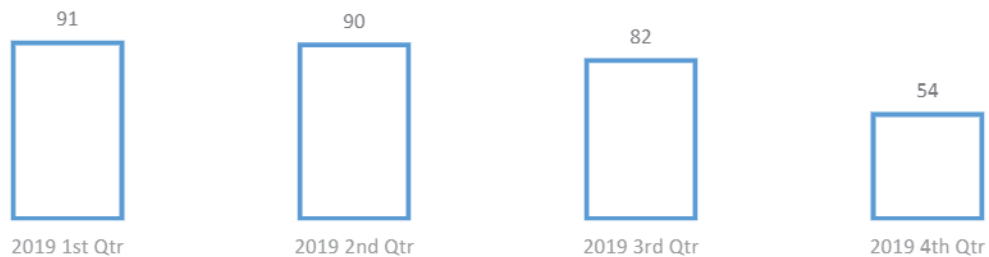
SHO Appeal Filing to Mailing Performance | FY 2019



Commission Performance

For hearings conducted during FY 2019, the Commission venue average for the statutory *Filing to Hearing* period is 40 days. The Commission venue average for the *Filing to Mailing* timeframe is 79 days.

Commission Filing to Mailing Performance | FY 2019

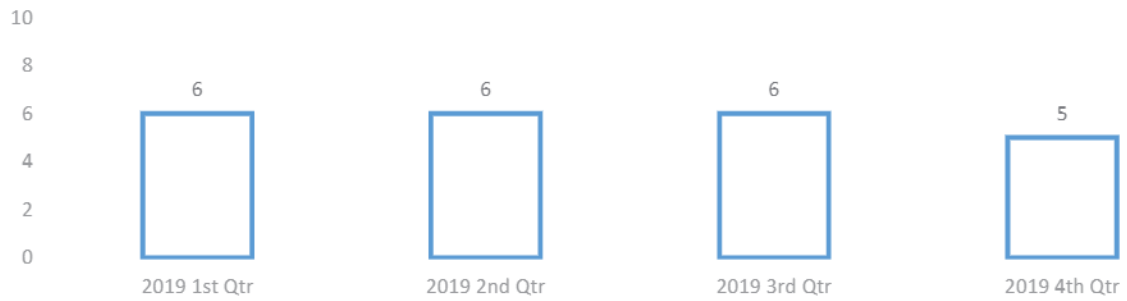


PERFORMANCE

SHO Refusal Order Performance

Appeals to SHO orders are discretionary in nature and processed centrally by the Commission Level Hearing Section in Columbus. Per mandate, if an appeal is refused, it is to receive a refusal order within 14 days of the expiration period in which an appeal may be filed to an SHO order.

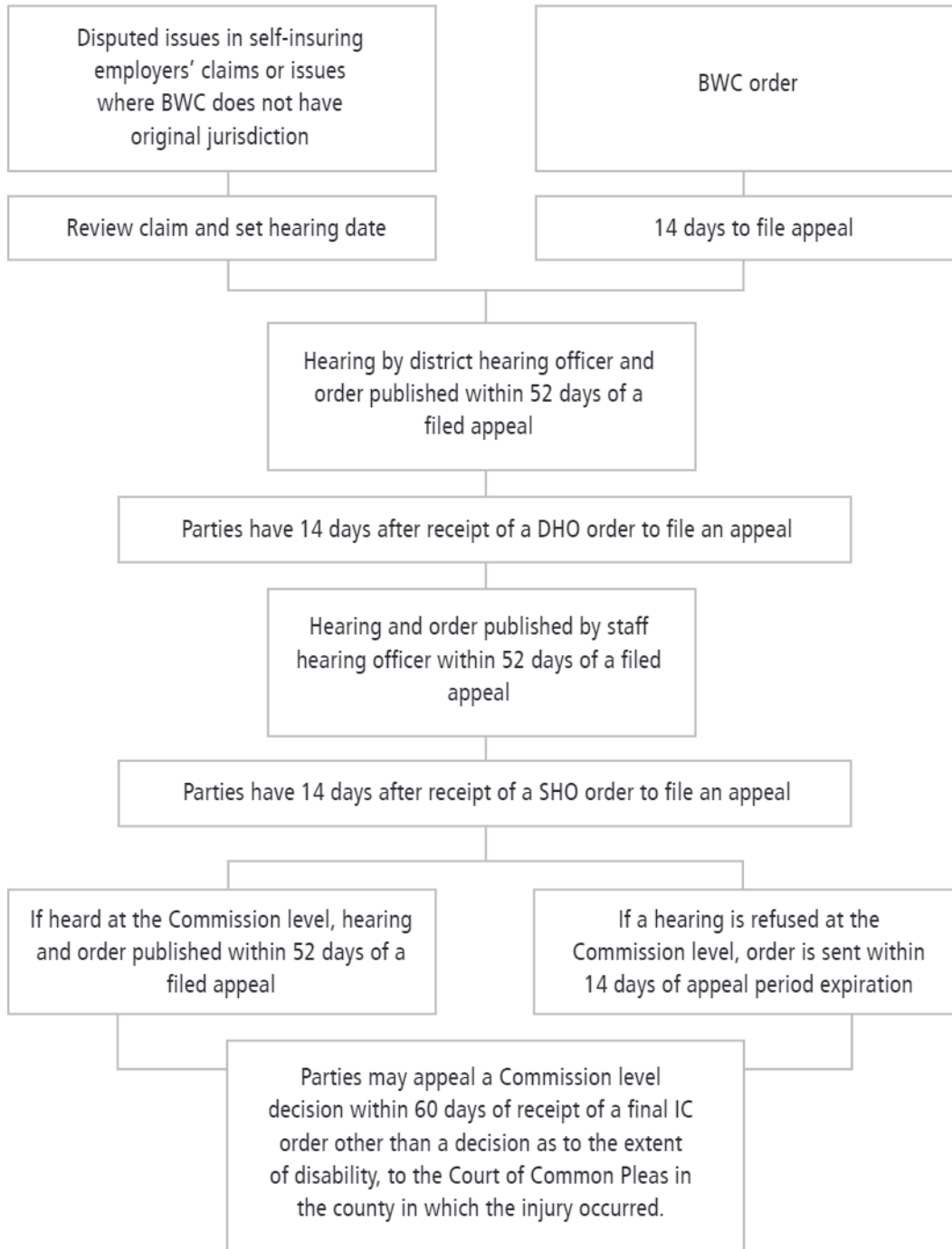
SHO Appeal Order Expiration Date to Refusal Order Mailing Date | FY 2019



APPENDIX

ADMINISTRATIVE HEARING LEVELS CHART

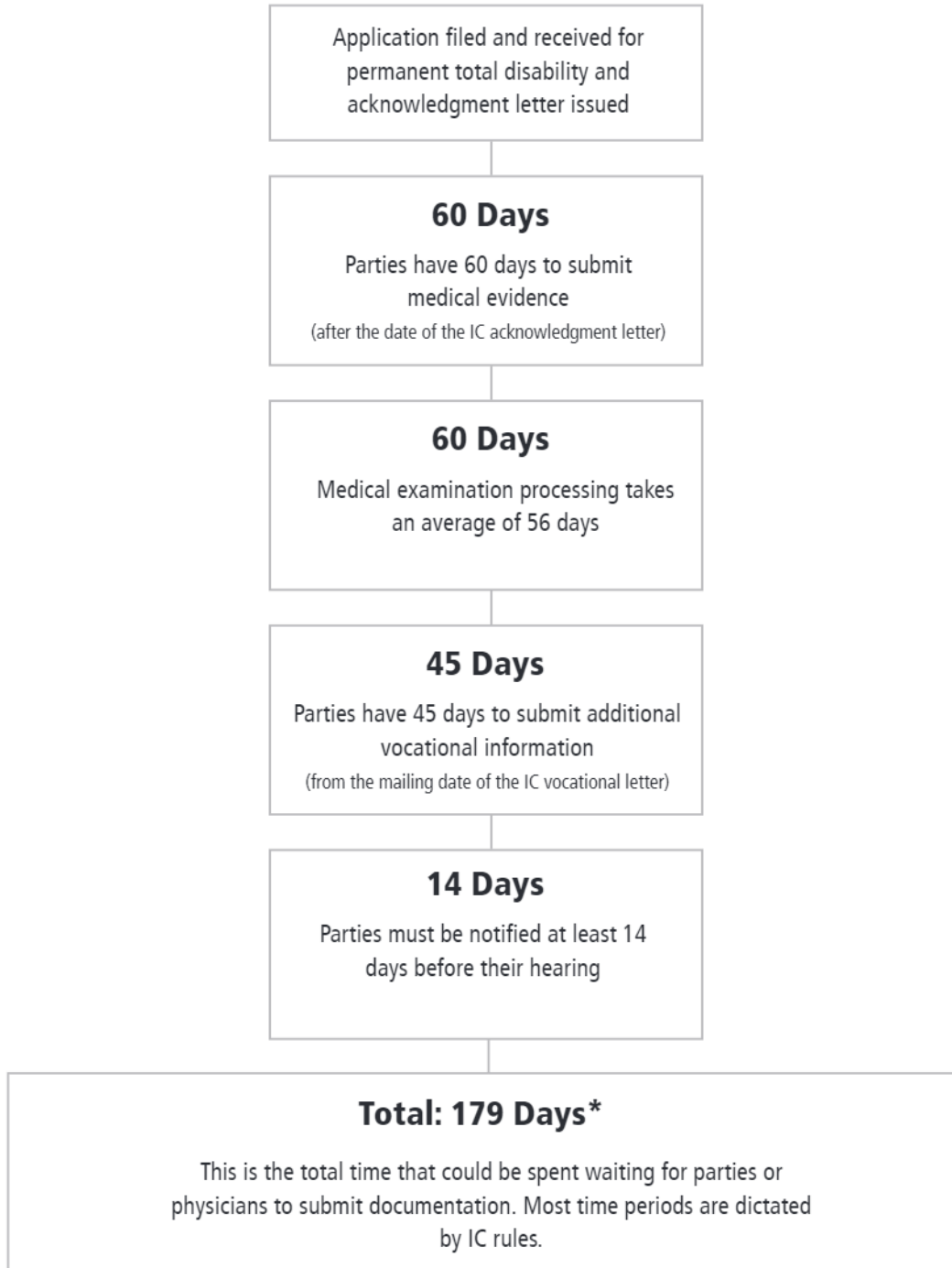
Administrative Hearing Levels Flow Chart*



* Does not include the PTD process.

PTD TIMELINE

Permanent Total Disability (PTD) Timeline



* The IC is currently processing PTD applications at a rate of 211 days.

LOCATIONS & CONTACTS

Customer Service and Interpretive Services

800.521.2691; toll free, nationwide
614.466.6136; Franklin County
800.686.1589; toll free, TDD

Email: AskIC@ic.ohio.gov
Web: www.ic.ohio.gov

AKRON REGION

Akron

161 S. High St., Suite 301
Akron, Ohio 44308-1602

Tel: 330.643.3550
Fax: 330.643.1468

Youngstown*

242 Federal Plaza West
Youngstown, Ohio 44503-1206

Tel: 330.792.1063
Fax: 330.792.2473

CINCINNATI REGION

Cincinnati*

125 E. Court St., Suite 600
Cincinnati, Ohio 45202-1211

Tel: 513.357.9750
Fax: 513.723.9811

Dayton*

1242 E. Dayton-Yellow Springs Rd.
Fairborn, OH 45324

Tel: 937.264.5116
Fax: 937.264.5130

CLEVELAND REGION

Cleveland*

615 Superior Ave. NW, 5th Floor
Cleveland, Ohio 44113-1898

Tel: 216.787.3001
Fax: 216.787.3483

COLUMBUS REGION

Columbus*

30 W. Spring St., 7th Floor
Columbus, Ohio 43215-2233

Tel: 614.466.4683
Fax: 614.644.8373

Cambridge

2130 E. Wheeling Ave.
Cambridge, Ohio 43725

Tel: 740.435.4000
Fax: 740.435.4010

Logan

12898 Grey St.
Logan, Ohio 43138

Tel: 740.380.9685
Fax: 740.385.2436

Mansfield

240 Tappan Drive N., Suite A
Mansfield, Ohio 44906

Tel: 419.529.1360
Fax: 419.529.3084

Portsmouth

1005 Fourth St.
Portsmouth, Ohio 45662-4315

Tel: 740.354.2334
Fax: 740.353.6975

TOLEDO REGION

Toledo*

One Government Center, Suite 1500
640 Jackson Street
Toledo, Ohio 43604

Tel: 419.245.2740
Fax: 419.245.2652

Lima

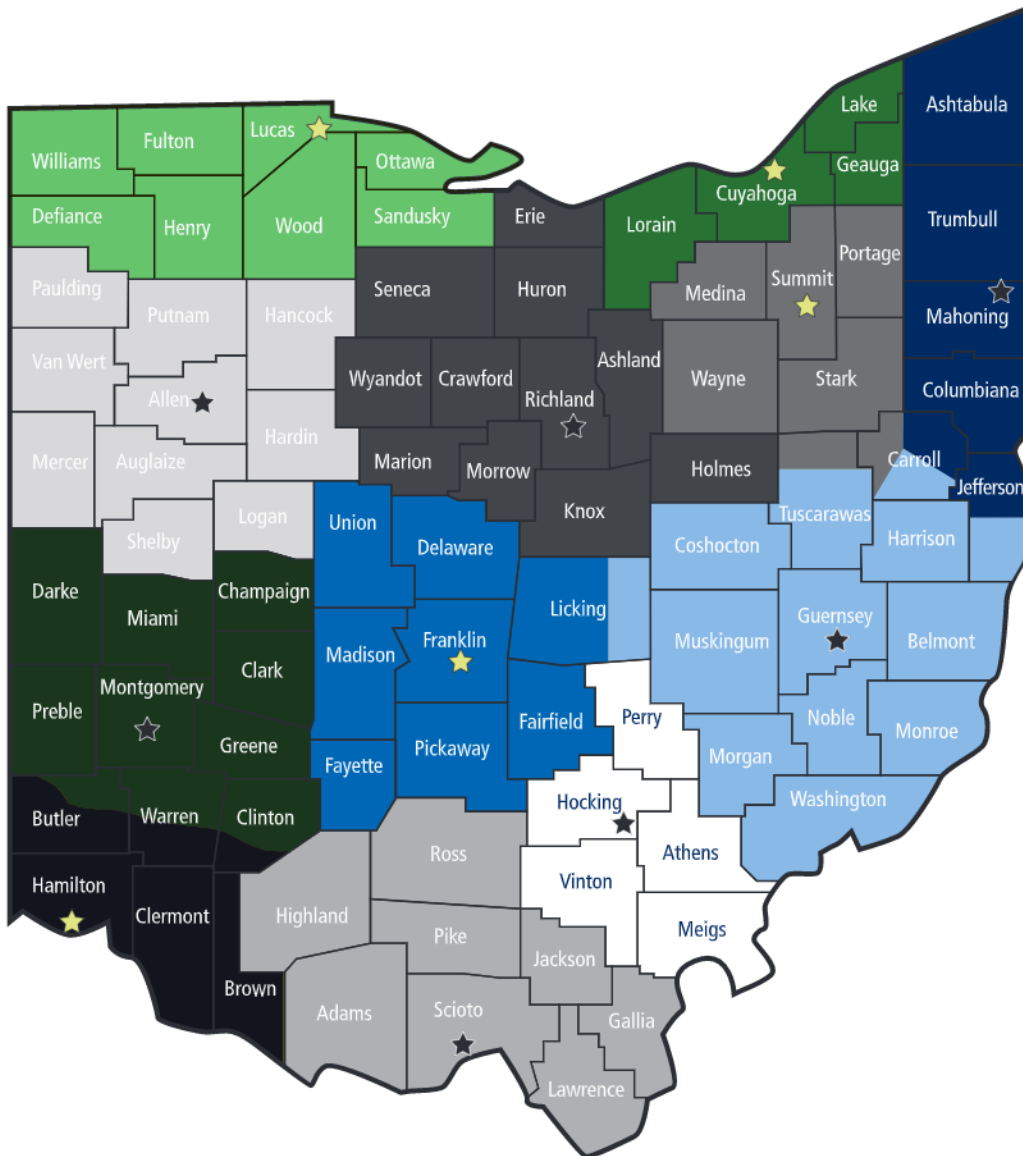
2025 E. Fourth St.
Lima, Ohio 45804-0780

Tel: 419.227.7193
Fax: 419.227.7150

*In-House Medical Examination Locations

DISTRICT OFFICE ASSIGNMENT MAP

Our 12 offices in 5 regions blanket the state. IC office locations are carefully chosen so that most injured workers do not have to drive more than 45 minutes from their home to get to their hearing.



Offices Servicing Each County

- | | | |
|--------------|------------|--------------|
| ■ Akron | ■ Columbus | ■ Mansfield |
| ■ Cambridge | ■ Dayton | ■ Portsmouth |
| ■ Cincinnati | ■ Lima | ■ Toledo |
| ■ Cleveland | ■ Logan | ■ Youngstown |

★ IC District Office Location

★ IC Regional Office Location

GLOSSARY OF WORKERS' COMPENSATION TERMS

Adjudicate: To make an official decision about who is right in (a dispute); to settle judicially.

AWW: Acronym for 'Average Weekly Earnings'. All indemnity benefits are determined by a percentage of the average weekly earnings of the injured worker.

Claim Form: The form filled out by an injured employee to initiate a workers' compensation claim. This form has important legal ramifications.

Commission Level: If an injured worker or employer is dissatisfied with the decision of a staff hearing officer, they may file an appeal to the Commission level. The three Commissioners may either refuse to hear the appeal or accept it for a hearing.

Compensable: A claim for which workers' compensation benefits are due.

Contested Claim: A workers' compensation claim where: (1) the employer rejects liability for it; or (2) the employer fails to accept liability for it; or (3) the employer fails to timely respond to a demand for benefits.

Denial Letter: The document sent to the employee by the employer or insurance company advising that the claim for workers' compensation benefits has been denied.

District Level: If a workers' compensation claim is contested, it is set for a hearing before a district hearing officer (DHO). A hearing will be held at the Commission office nearest the injured worker's residence. If either party is dissatisfied with the decision of the DHO, an appeal must be made in writing or online and filed within 14 days of receipt of that decision.

Hearing Administrator: Hearing administrators are responsible for preparing claims for hearings and ensuring a smooth hearing process for every party involved in a claim. Their duties include reviewing and processing requests to continue and cancel hearings, issuing subpoenas, conducting depositions and submitting interrogatories, and ensuring that claims have sufficient information for hearing.

Indemnity: A benefit delivered by payment of money. Distinguished from benefits delivered by a service, such as medical treatment.

Industrial Injury: An injury that occurs during or because of work.

ME: A medical exam

Occupational Disease: A disease contracted in the course of employment, which by its causes and the characteristics of its manifestation or the condition of the employment results in a hazard which distinguishes the employment in character from employment generally, and the employment creates a risk of contracting the disease in greater degree and in a different manner from the public in general.

Ohio Bureau of Workers' Compensation: (BWC) a state agency that administers the collection of premiums from employers and the payment of compensation and medical benefits to injured workers who have been determined to have compensable claims.

Ohio Industrial Commission: (IC) a state agency that handles all hearings on workers' compensation claims.

OSHA: the Occupational Safety and Health Administration

PD or PPD: Permanent Disability or Permanent Partial Disability Indemnity.

Permanent Disability: An assessment of disability which is not expected to change dramatically and upon which permanent disability indemnity is based.

Self-Insuring Employer: An employer who is granted the privilege under the Ohio Revised of paying workers' compensation and benefits directly to its employees.

Staff Level: Appeals from the district hearing officer's (DHO) decision will result in a second hearing before a staff hearing officer (SHO). The law guarantees injured workers and employers the right to appeal a DHO's decision to the SHO level.

TD, TTD or TDI: Temporary Total Disability Indemnity

TPD: Temporary Partial Disability Indemnity

Vocational Rehabilitation: An entitlement to injured workers who are precluded from returning to their usual and customary occupation due to disability arising out of a work injury.

Industrial Commission

Timely, Impartial Resolution of Workers' Compensation Appeals

30 West Spring Street, Columbus, Ohio 43215

www.ic.ohio.gov, (800) 521-2691

Mike DeWine, Governor

Jon Husted, Lt. Governor

Jim Hughes, Chairman

Jodie M. Taylor, Member

Karen L. Gillmor, Ph.D., Member



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