

Eaton Procedures

R93-1-7

Rescinded

September 3, 1993

WHEREAS, pursuant to Resolution No. R89-1-009, dated April 14, 1989, and subsequent resolutions issued ending with Resolution No. R91-6-6, dated May 7, 1991, the Commission adopted administrative procedures in claims where the issue of permanency of a temporary disability arises together with the issue of eligibility for compensation for permanent and total disability; and

WHEREAS, the procedures set forth in said resolutions have been subject to ongoing review by the Industrial Commission; and

WHEREAS, the Commission adopted Resolution No. R93-1-3 on August 16, 1993 that sets forth the adjudicatory policy of the Commission that Staff Hearing Officers adjudicate matters set forth in Section 4121.34(B) of the Revised Code, which includes the adjudication of applications for permanent total disability compensation; and

WHEREAS, Section 1 and Section 2 of Amended Substitute House Bill No. 107 are effective on October 20, 1993; and

WHEREAS, Section 4121.35(B) of Amended Substitute House Bill No. 107 provides that Staff Hearing Officers of the Industrial Commission have original jurisdiction to consider and decide applications for permanent and total disability; and

WHEREAS, in light of the aforementioned factors, the Industrial Commission seeks to avoid unnecessary confusion that may develop in processing of claims where the issue of permanency of a temporary disability arises together with the issue of eligibility for compensation for permanent and total disability, that may not be finally adjudicated until after October 20, 1993; and

WHEREAS, the Industrial Commission, after appropriate review, desires to rescind the existing procedures adopted by the Industrial Commission in the aforementioned resolutions described in the first paragraph of this resolution.

THEREFORE BE IT RESOLVED that the procedures adopted by the Industrial Commission set forth within Resolution No. R89-1-009, dated April 14, 1989, and subsequent resolutions adopted by the Industrial Commission regarding Eaton procedures and ending with Resolution No. R91-6-6, dated May 7, 1991, are hereby rescinded effective on the 3rd day of September, 1993.