

SELF-INSURERS

R94-1-14

No Response Self-Insuring Employers

August 10, 1994

WHEREAS, R.C. 4121.34(B)(3) provides that District Hearing Officers have original jurisdiction on contested claims matters under R.C. Chapters 4121, 4123, 4127, and 4131, except for those matters over which Staff Hearing Officers have original jurisdiction; and

WHEREAS, R.C. 4123.511(B)(3) provides that in contested claims, other than state fund claims, the administrator is to forward the claim file within seven (7) days of receipt of the claim to the Industrial Commission to refer the claim to an appropriate District Hearing Officer for hearing in accordance with R.C. 4123.511(C); and

WHEREAS, R.C. 4123.511(C) provides that in case of other contested claims other than state fund claims, the Commission is to refer the claim to an appropriate District Hearing Officer; and

WHEREAS, Ohio Adm.Code 4121-3-13(B) provides that upon receipt of a notice of a dispute or disagreement that concerns a contested claims matter, the Bureau of Workers' Compensation shall immediately notify the parties of the existence of the dispute or disagreement, and shall within seven days refer the matter to the Industrial Commission as a disputed claims matter; and

WHEREAS, pursuant to Ohio Adm.Code 4123-19-03(K)(5), the employer shall pay hospital, medical, nursing, and bills for medication duly incurred by the claimant within thirty (30) days of the receipt of such bill unless the employer contests any such matters, in which case the self-insuring employer shall immediately notify the provider, the employee, and, only upon request, the Bureau of Workers' Compensation, or the Industrial Commission in writing; and

WHEREAS, pursuant to Ohio Adm.Code 4123-19-03(K)(10), the self-insuring employer shall inform the claimant and the Bureau of Workers' Compensation in writing within thirty (30) days from filing of a claim as to which conditions the self-insuring employer recognizes as related to the injury or occupational disease, and what conditions, if any, it refuses to recognize; and

WHEREAS, it has come to the attention of the Industrial Commission that some applications for payment of compensation and benefits filed by claimants failed to receive a timely response or no response has been received from a self-insuring employer, and it has also come to the attention of the Industrial Commission that, in some instances, requests by self-insuring employers filed with the Bureau of Workers' Compensation have not been forwarded to the Industrial Commission for hearing; and

WHEREAS, the Industrial Commission desires that there be a timely adjudication of any contested claims matter involving a dispute raised by application of a claimant or a request by a self-insuring employer in a claim where the employer is a self-insuring employer; and

WHEREAS, R.C. 4121.03(E) provides that the Commission is responsible for the establishment of the overall adjudicatory policy and management of the Industrial Commission

THEREFORE, BE IT RESOLVED that in the event a self-insuring employer either disputes an application for compensation and benefits made by a claimant or fails to respond to such a request within thirty (30) days of receipt of such request, the claimant may request that the Industrial Commission to schedule the contested claims matter for hearing by a District Hearing Officer pursuant to R.C. 4123.34(B)(3) and R.C. 4123.511(C). Upon receipt of such request, the Commission shall immediately refer the claim file for hearing before a District Hearing Officer.

BE IT FURTHER RESOLVED that in the event the self-insuring employer requests a hearing before a District Hearing Officer in a contested claims matter, the self-insuring employer may, in addition to notifying the Bureau of Workers' Compensation of the existence of the disputed claims matter, also notify the Industrial Commission of the existence of a dispute. Upon receipt of such notification, the Industrial Commission shall refer the claim to the appropriate District Hearing Officer for hearing pursuant to R.C. 4123.511(C).

Modification

This resolution was modified to correct citations and is effective on September 26, 2018