

# Ohio | Industrial Commission



## 2018 FISCAL YEAR REPORT



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# LETTER FROM THE CHAIRMAN



I am delighted to present the Ohio Industrial Commission's Annual Report for Fiscal Year (FY) 2018.

Throughout the previous fiscal year, our agency has adjudicated more than 112,000 workers' compensation appeals throughout the state while implementing countless innovative ideas at a minimal cost.

This report is a snapshot of our agency's accomplishments and demonstrates that the Ohio Industrial Commission (IC) is committed to being a leader in customer service.

A few of our fiscal year highlights:

- Biennium 2018/2019 was the fifth consecutive period where the total appropriation request was less than the preceding biennium period;
- Budget stability continued as expenditures for FY 2018 totaled \$46 million, marking the sixth year in a row that expenses have remained between \$45MM and \$46MM despite mandated pay increases and rising fringe rate costs;
- Maintained a consistent Administrative Cost Fund rate environment whereby assessed rates remained unchanged for three risk groups while increasing modestly for one risk group;
- Exceeded the statutory threshold for expenditures directed toward certified Minority Business Enterprises (MBE) for the eighth consecutive year with a 33.5 percent rate;
- Decreased mandamus complaints filed in the Tenth District Court of Appeals by 27 percent in FY17-18;
- Embarked on a comprehensive review of the current Resolution Index, which documents IC policies, to determine which, if any, resolutions should be amended or rescinded;
- Implemented electronic logging of access to confidential personal information to ensure all accesses are valid;
- Updated our policy addressing the disclosure of confidential personal information to enable the agency to timely notify persons of a disclosure as well as to stop the dissemination of the disclosed information;
- Implemented Case Manager solutions for the Hearing Administration and Commission continuance/cancellation processes;
- Upgraded ICON (Industrial Commission Online Network) to display the pre-hearing conference schedule on the representative hearing calendars;
- Rolled out new personal computers with faster processing speeds and enhanced security;
- Replaced the representative and employer identification cards with new identification cards that can be saved on a mobile phone; and
- Established connections for all IC offices to the Ohio One Network.

I look forward to new challenges and opportunities that come with each fiscal year.

In the future, the IC will continue to be dedicated to a simple objective: Manage our public funds in a responsible, conservative manner while providing Ohio's injured workers and employers with timely, impartial resolution of their workers' compensation appeals.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Bainbridge".

Tim Bainbridge, *Chairman*



# ABOUT US

The IC conducts more than 112,000 hearings each fiscal year, and most of these hearings take place within 45 days of the original claim appeal. That means you may expect first-class customer service as the IC provides a forum for appealing 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 offering 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 appointments. By previous vocation, employment or affiliation, one member must represent employees, one must represent employers and one must represent 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.



**Thomas H. Bainbridge, Chairman  
Employee Member  
Dates of Service: July 2013 - June 2019**

Thomas (Tim) Bainbridge brings over four decades of workers' compensation experience to his role as Chairman of the Ohio Industrial Commission.

As an attorney, Tim has spent a tremendous amount of time protecting the rights of Ohio's workers through his involvement with numerous organizations, which are dedicated to improving Ohio's workers' compensation system.

Tim displayed his knowledge and expertise as the Chairman of the Columbus Bar Association Workers' Compensation Committee, and served as the Chairman of the Workers' Compensation Section of the Ohio Association for Justice. He also served as President of the Ohio Association for Justice.

Later, he served Ohio's injured workers and employers as the Commissioner for the Bureau of Workers' Compensation Oversight Commission from 1995 to 2006. In addition, he has served on the Unemployment Compensation Review Commission and as a Commissioner on the Court of Claims.

Tim's passion for workers' compensation has been evident throughout his career. Before arriving at the IC, Tim served as an attorney and managing partner at Ward, Kaps, Bainbridge, Maurer & Melvin from 1970 until 2009. He later served as a partner at the Bainbridge Firm from 2009 until 2013.

Tim is a member of the Ohio State Bar Association, Columbus Bar Association, Ohio Association for Justice and the American Association for Justice.

Originally from Steubenville, Ohio, Tim earned his bachelor's degree from Washington & Jefferson College in Washington, Pennsylvania, and then received his law degree from The Ohio State University.

Tim was admitted to the Ohio Bar in 1967 and has also been admitted to practice before the US District Court in the Southern District of Ohio.

He resides in Columbus. He and his late wife, Deidre, have three grown sons who also reside in Columbus.



**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 82 hearing officers — all attorneys — in five regional and seven district offices throughout the state.

In FY 2018, the IC heard 112,250 claims. District hearing officers (DHO) heard 79,055 claims. Staff hearing officers (SHO) heard 32,936 claims and the Commission heard 259 claims.

The IC consistently achieved a high success rate in adjudicating claims well within the periods mandated by law throughout this fiscal year.

From filing date to hearing date, district level (first level) hearings averaged 38 days. Staff level (second level) hearing appeals averaged 35 days. Both averages are well below the 45 days mandated by law.

The statistics of filing date to mailing date were just as positive. For the district level, filing date to mailing date was 42 days on average. For the staff level, it averaged 39 days.

The Industrial Commission Online Network (ICON) is the primary reason for our continued success because it has made it easy to file appeals online. There were 51,301 first-level motions and appeals filed on ICON this fiscal year. There were also 51,151 second-level (or above) appeals filed on ICON during the fiscal year.

Customer Service received and responded to 1,032 AskIC submissions during this fiscal year. The department also scheduled 1,392 interpreters for injured workers hearings. In addition, our toll-free customer service line and two local customer services lines received 10,018 calls this fiscal year. Staff personnel assisted 22,530 people at our Columbus office. Customer Service also processed 72,549 documents.

## Motion/Appeal Filings

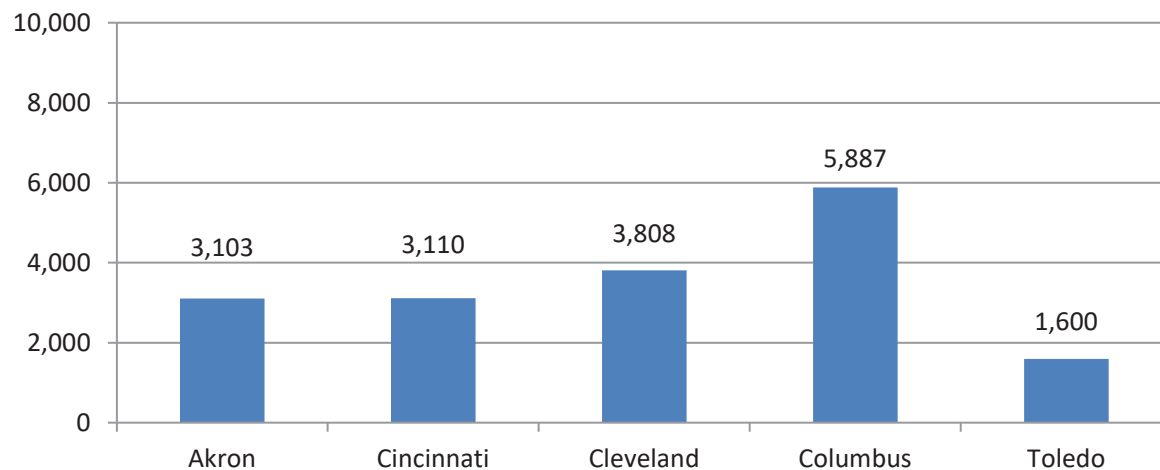
Ohio Industrial Commission workloads and performance are initiated by and heavily dependent upon the volume of new claims filed with the Bureau of Workers' Compensation along with new motion and appeal filings. IC inventory volume is subject to volatile daily swings dependent on appeal filings, claim flows from the BWC, docketing loads, and other factors.

Approximately 115,324 new first level motions and appeals were filed during FY 2018 for 74,417 separate claims. Additional appeals are filed at upper level commission venues.

## Hearing Inventory

Statewide average monthly DHO/SHO inventory was 17,508 claims for FY 2018. Regional breakdown of average inventories for FY 2018 is as follows (figures rounded): Columbus – 34 percent; Cleveland – 22 percent; Akron and Cincinnati – 18 percent each; and Toledo – 9 percent.

**Average Monthly Inventory | FY 2018**



Hearing inventory inclusive of medical inventory

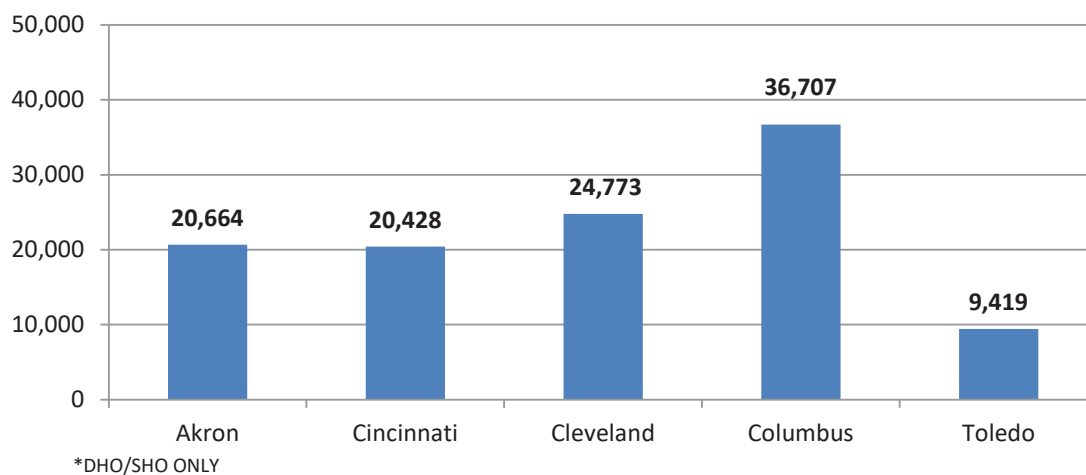
Formal hearings and administrative reviews account for the majority of Ohio Industrial Commission activity. In FY 2018, the IC made approximately 180,338 decisions on issues arising from workers' compensation claims.

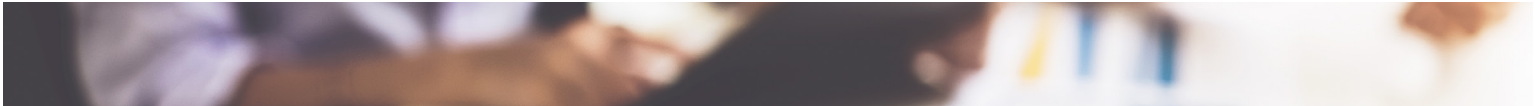
During FY 2018, the IC performed 68,172 administrative reviews and heard a total of 112,250 claims at all adjudicatory levels. Claims heard is inclusive of hearings at the DHO, SHO, Deputy, and Commission venues. Administrative reviews incorporate issues that do not initially require formal adjudication via hearing (Hearing Administrator issues, Commission requests, cancellation 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 process 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 2018 at 79,055 claims heard, while the SHO volume is recorded at 32,936 claims heard. Deputy venue claims heard totaled 91 in FY 2018 while the Commission venue recorded 168 claims heard. Total claims heard is inclusive of continuances, referrals, dismissals, and other final determinations made as a result of a hearing.

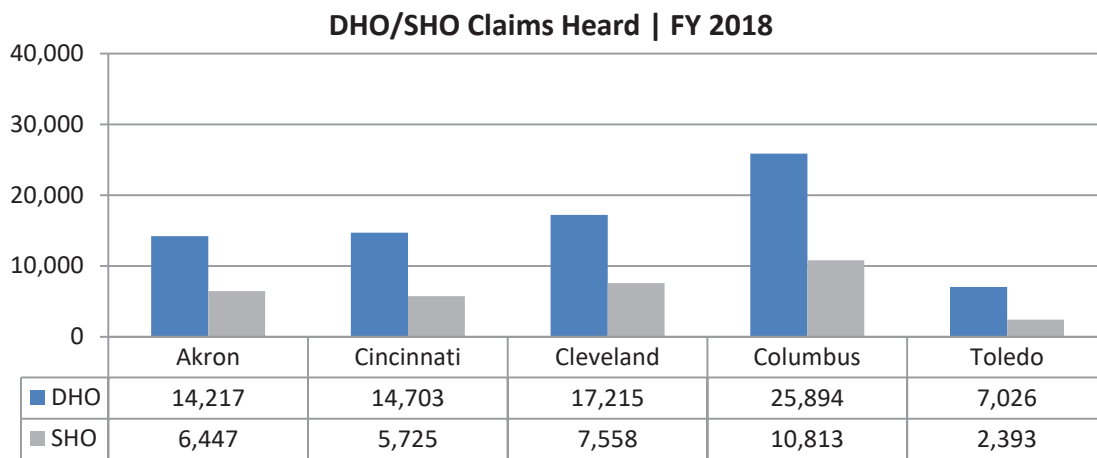
**Claims Heard By Region\* | FY 2018**



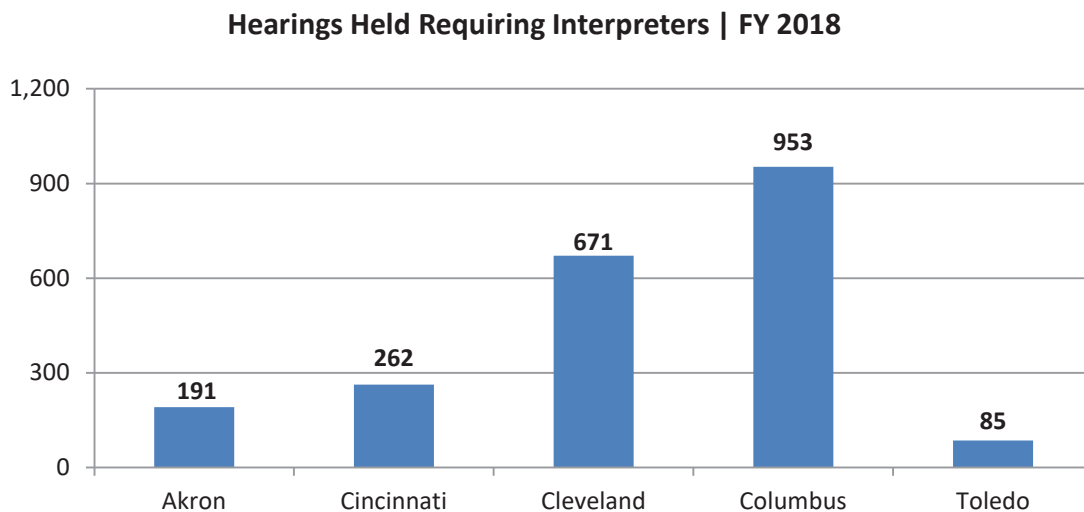


Regionally, the distribution of FY 2018 claims heard at DHO and SHO hearing levels is as follows (figures rounded): Columbus at 33 percent; Cleveland at 22 percent; Akron at 18 percent; Cincinnati at 18 percent and Toledo at 8 percent.

DHO and SHO hearings were conducted on 246 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 321 claims heard per day while Staff Hearing Officers averaged 134 claims heard per day.



A total of 2,162 hearing records were flagged as requiring interpreter services during FY 2018 accounting for about two percent of total hearings held.



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

# HEARING ACTIVITY

## Hearings Held by Employer Group

Hearings were conducted for approximately 29,927 different employers in FY 2018. Hearings for claims of private state funded employers accounted for 53 percent of all hearings while self-insuring employers accounted for 28 percent; public county employers accounted for 14 percent; and public state employers' claims accounted for 5 percent (figures rounded).

The volume of claims heard reflects actual employee workload production as each claim must be reviewed and processed at multiple levels to perfect the adjudication process. Given that multiple claims may be scheduled for presentation at one hearing, the hearings held figure might be slightly lower. For example, one PTD hearing may include three claims to be considered for an Injured Worker. Reporting would reflect these totals accordingly.

## Hearings Held by Employer Group

Employer Type	State Fund	Self-Insured	Pol. Sub (County)	State	Total
Hearings Held	59,846	30,972	15,950	5,203	111,971
Claims Heard*	60,081	31,041	16,234	5,254	112,610

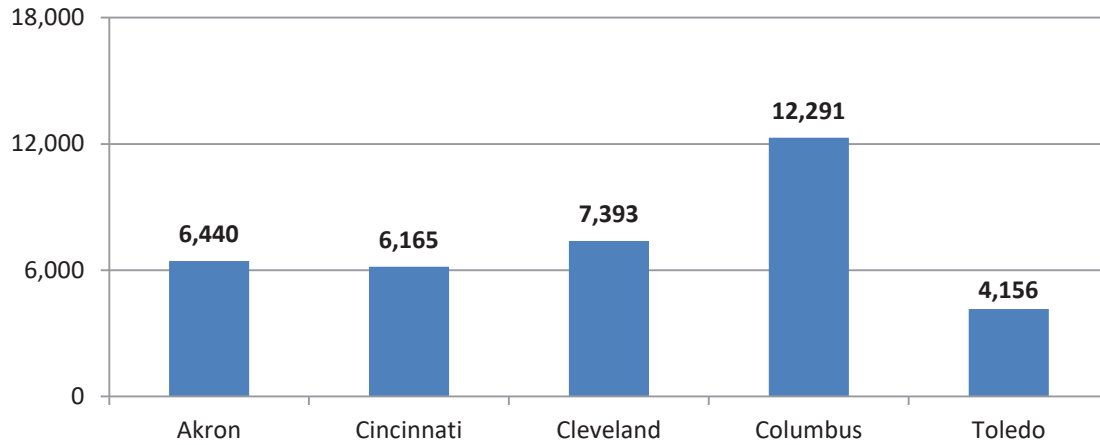
# HEARING ACTIVITY

## Hearing Administrator

Hearing Administrators perform a variety of functions that facilitate the adjudication process. In addition to processing approximately 19,564 continuance requests during FY 2018, they also processed 12,292 requests to withdraw motions or appeals and 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 36,445 issues during FY 2018. Regional volumes of Hearing Administrator activity are presented in the graph below.

**Hearing Administrator Decisions | FY 2018**



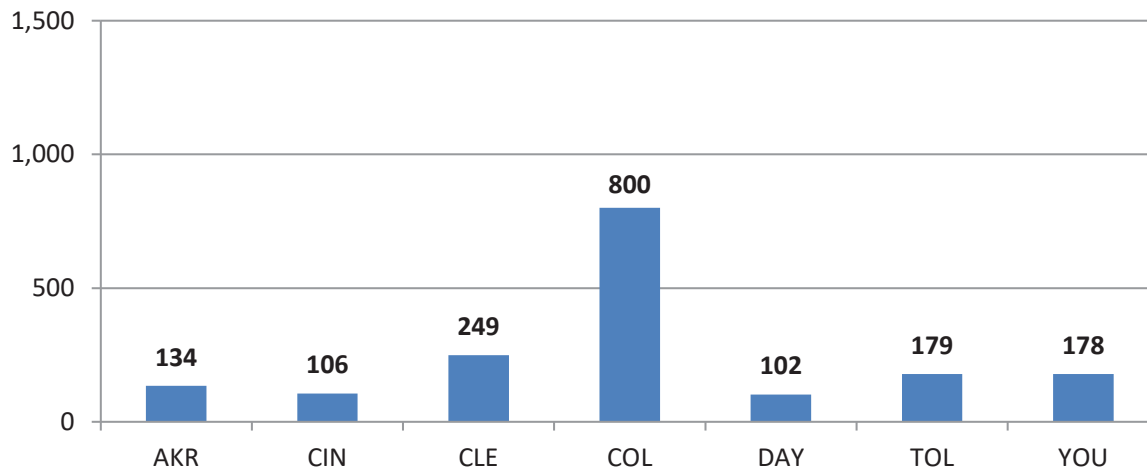
# HEARING ACTIVITY

## Medical Activity

The Ohio 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, 2018, was 349 claims.

A total of 1,748 specialist exams and medical reviews were performed on behalf of the Ohio Industrial Commission during FY 2018.

**Medical Specialist Exams and Reviews | FY 2018**



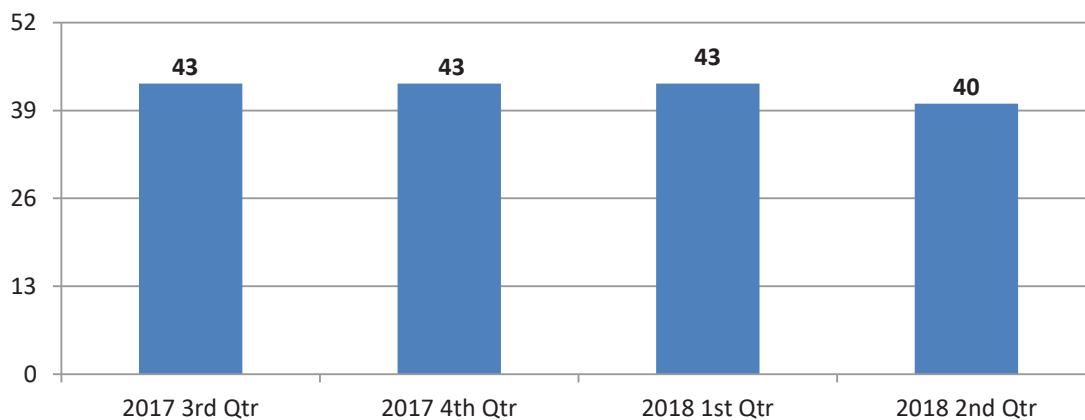


Hearing timeframe performance mandates have been set forth in R.C. 4123.511 for the DHO, SHO, and Commission hearing venues. On average, all IC offices and venues performed within the statutory limits set forth that require a claim to be heard within 45 days of a motion or appeal filing. The overall IC performance benchmarks for Filing to Mailing are set at 52 days for each hearing venue. This performance measure is based on the combination of the two statutory periods Filing to Hearing and Hearing to Mailing (45 + 7).

## DHO Performance

District hearing officers (DHO) conduct hearings on two formal docket types – Allowance (primarily injury allowance, compensation, and treatment issues) and C-92 (permanent partial disability issues). Only allowance docket issues fall under time frame requirements outlined in R.C. 4123.511. DHOs heard a total of 61,872 allowance docket claims during FY 2018. Of those, 44,227 qualified for inclusion in time studies. On average, the DHO process (filing of motion/appeal to mailing of DHO order) was completed within 42 days during FY 2018.

**DHO Allowance Filing to Mailing Performance | FY 2018**



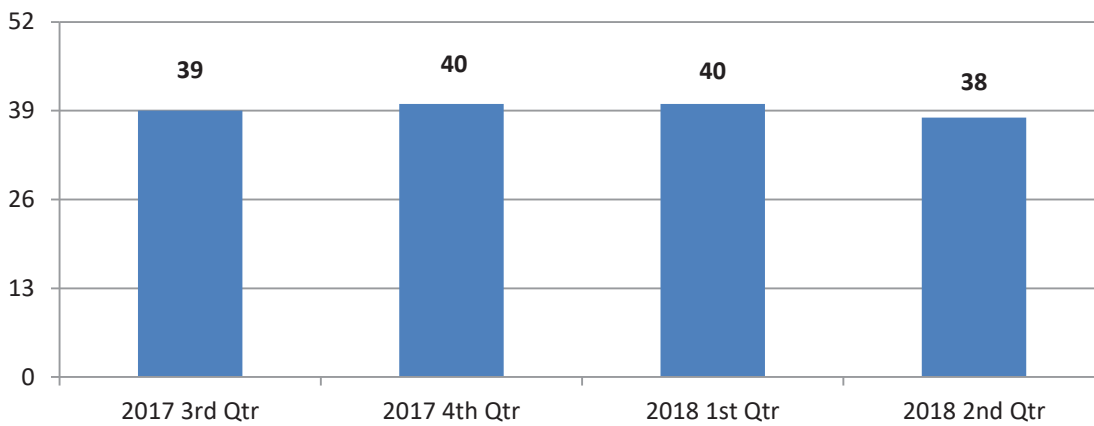
Appeals or motions heard on DHO Allowance dockets must be heard within a 45-day period [R.C. 4123.511(C)]. In FY 2018, DHO Allowance processes averaged 38 days for the statutory filing to hearing period.

# PERFORMANCE

## SHO Performance

Staff hearing officers (SHO) conduct hearings on five formal docket types – 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 time frame requirements outlined in R.C. 4123.511. SHOs heard a total of 27,926 appeal claims during FY 2018. Of those, 25,034 qualified for inclusion in time studies.

**SHO Appeal Filing to Mailing Performance | FY 2018**



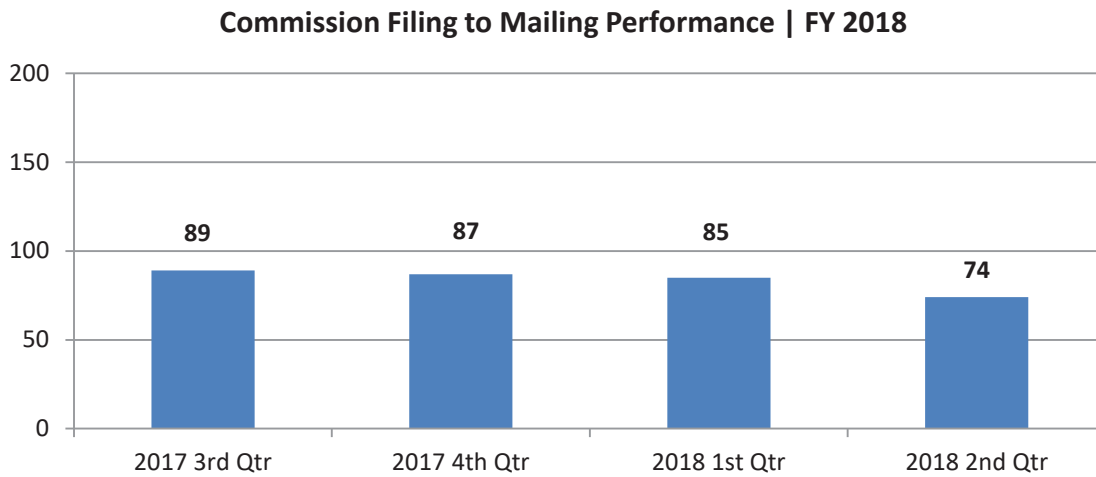
Staff Hearing level appeals must be heard within a 45-day period [RC 4123.511(D)]. In FY 2018, Staff Appeal processes averaged 35 days for the statutory filing to hearing period.

# PERFORMANCE

## Commission Performance

For hearings conducted during FY 2018, the Commission venue average for the statutory **Filing of Appeal to Hearing Date (F-H)** period is 42 days.

The Commission venue average for the **Filing of Appeal to Mailing of Order** time frame is 83 days.



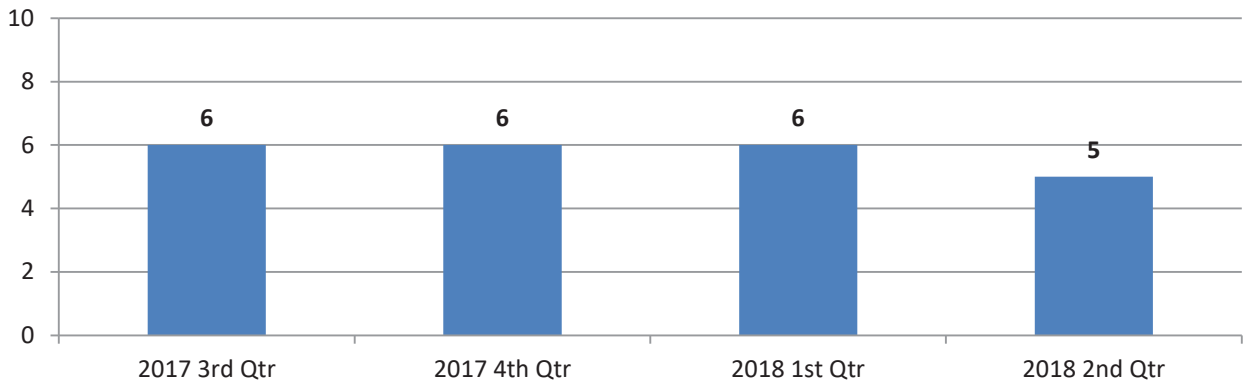
\*Published eligible commission orders as of July 27, 2018

# 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 2018





# 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](mailto:askic@ic.ohio.gov)  
Web: [www.ic.ohio.gov](http://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, 5<sup>th</sup> Floor  
Cleveland, Ohio 44113-1898

Tel: 216.787.3001  
Fax: 216.787.3483

### COLUMBUS REGION

#### Columbus\*

30 W. Spring St., 7<sup>th</sup> 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

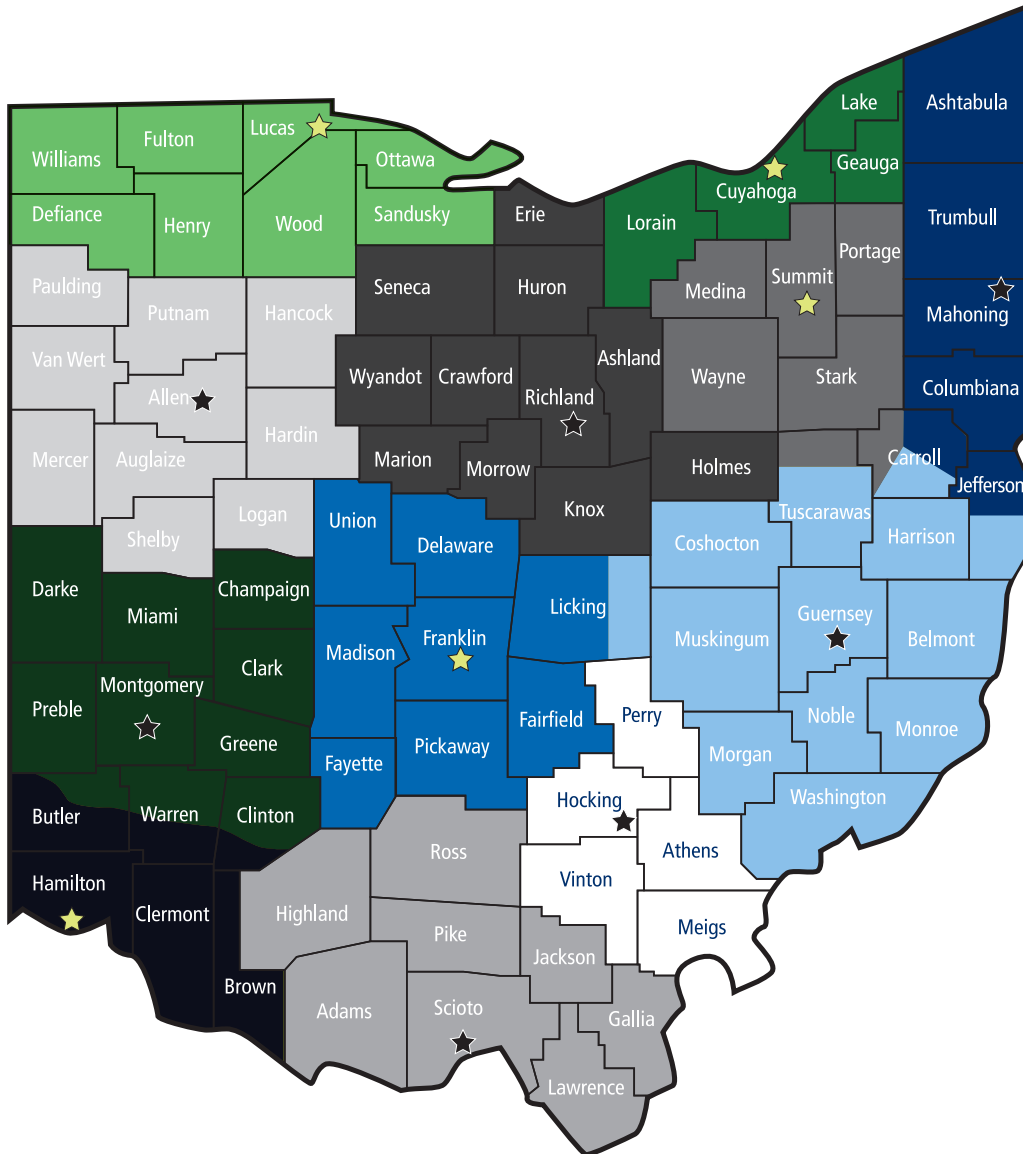
2025 E. Fourth St.  
Lima, Ohio 45804-0780

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







# **Industrial Commission**

Timely, Impartial Resolution of Workers' Compensation Appeals

**30 West Spring Street, Columbus, Ohio 43215**

**[www.ic.ohio.gov](http://www.ic.ohio.gov), (800) 521-2691**

**John R. Kasich**, Governor

**Mary Taylor**, Lt. Governor

**Thomas H. Bainbridge**, Chairman

**Jodie M. Taylor**, Member

**Karen L. Gillmor, Ph.D.**, Member



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