

# Ohio | Industrial Commission

## ANNUAL FISCAL REPORT

2020

Mike DeWine, Governor • Jon Husted, Lt. Governor



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# LETTER FROM THE CHAIRMAN

I am pleased to present the Ohio Industrial Commission's Annual Report for Fiscal Year (FY) 2020.

The COVID-19 pandemic has created challenging times for every Ohioan and state agency. However, during the previous fiscal year, the Ohio Industrial Commission has adjudicated more than 111,000 workers' compensation appeals throughout Ohio, while finding many ways to improve the customer services we offer to Ohio's employers and injured workers.

This report demonstrates that we are an agency that proudly strives to achieve excellent customer service while making sensible and fiscally responsible financial choices. Under the guidance of Governor Mike DeWine, the Ohio Industrial Commission (IC) is accomplishing both of those goals.

A few of our fiscal year highlights:

- Created an online environment that follows all cyber security protocols to allow IC employees throughout the state to telework safely throughout the COVID-19 pandemic.
- Implemented Microsoft Teams agency wide to allow for enhanced collaboration for IC employees and stakeholders outside of the normal office environment due to the pandemic.
- Migrated all agency server infrastructure to the State of Ohio Computer Center in advance of the required date set forth by Governor DeWine's Executive Order 15-D. This has allowed for the restructuring of technical staff to better support infrastructure-based applications agency-wide.
- Maintained our annual total expenditure level within a narrow 3.5% variance band that started in FY 2013. Expenditures in FY 2020 totaled \$46.6MM remaining with the \$45.1 to \$46.7MM range over the 8-year period.
- Preserved a well-funded Administrative Cost Fund (ACF) reserve through long range forecasting and cost containment. Employer ACF rate change impacts have been minimized by leveraging base rate reductions into our funding needs. These efforts significantly reduce the risk of fund depletion during challenging economic periods.
- Achieved a Minority Business Enterprise (MBE) Set-Aside rate of 32.4% versus the 15% statutory threshold in FY 2020. The Encouraging Diversity, Growth, and Equality (EDGE) compliance rate is 27.4% vs. the 5% policy requirement for the same period.
- Renovated and updated the workspace reconfiguration of levels 9 and B2 in the William Green Building in Columbus.
- Vacated 8,251 square feet of warehouse space, which will provide an annual rental savings of \$109,083. Items previously stored in this warehouse have been consolidated and stored in the William Green Building at no additional cost to the agency.
- Updated all signage at our office locations throughout the state, including outside, front door and interior signage.

I am proud to lead an agency that has responded to this global pandemic with innovation, dedication and courage. In the next fiscal year, the IC will continue to provide injured workers and employers with outstanding customer service with timely, impartial resolution of their workers' compensation appeals while remaining on a path of fiscal prudence.

Sincerely,



Jim Hughes, *Chairman*



## ABOUT US

The 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 Jim Hughes represented the employees; Jodie M. Taylor represented employers; and Karen L. Gillmor represented the public.

# 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.

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 Industrial Commission of Ohio. 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.



# COMMISSIONERS



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

In FY 2020, the IC heard 95,536 claims at all adjudicatory levels. District Hearing Officers (DHOs) heard 66,268 claims, while Staff Hearing Officers (SHOs) heard 29,088 claims, and the Commission heard 180 claims.

The IC consistently adjudicated claims within the timeframes mandated by Ohio Revised Code 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, Allowance docket issues averaged 36 days, while 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, both Allowance and Appeal docket issues averaged 39 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 42,864. Second level and above ICON filings, inclusive of appeals filed to DHO and SHO orders, totaled 44,780 in FY 2020.

Customer Service received and responded to 1,258 AskIC submissions during this fiscal year. The department also scheduled 1,333 interpreters for injured workers hearings. In addition, our toll-free customer service line and two local customer service lines received 5,065 calls this fiscal year. Staff personnel assisted 12,910 people at our Columbus office. Customer Service also processed 29,609 documents.

# INVENTORY

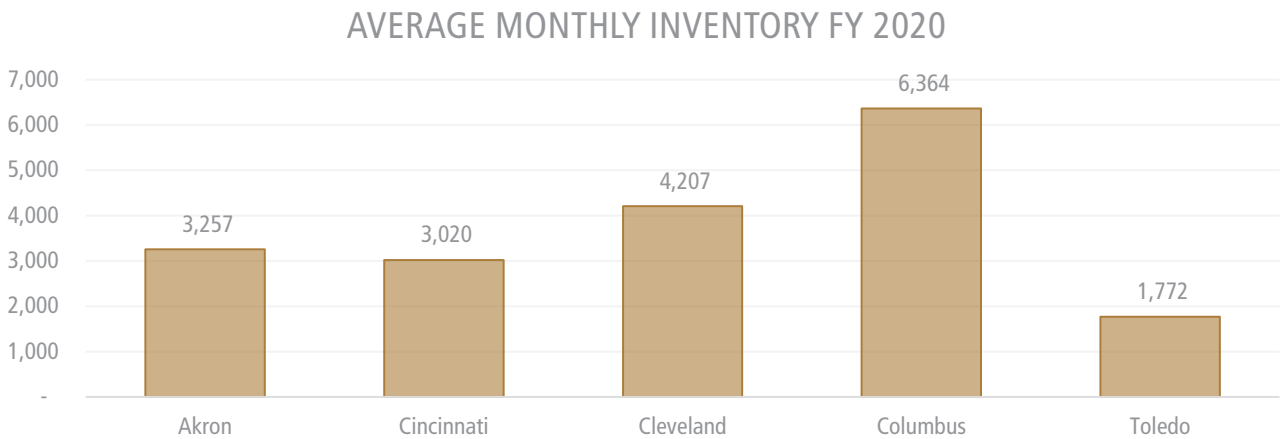
## Motion/Appeal Filings

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

Approximately 104,413 new first level motions and appeals were filed during FY 2020 for 65,615 separate claims.

## Hearing Inventory

Statewide average monthly DHO/SHO inventory, inclusive of medical inventory, was 18,619 for FY 2020. Regional breakdown of average inventories for FY 2019 is as follows: Columbus - 34 percent; Cleveland - 23 percent; Akron - 17 percent; Cincinnati - 16 percent; and Toledo - 10 percent.



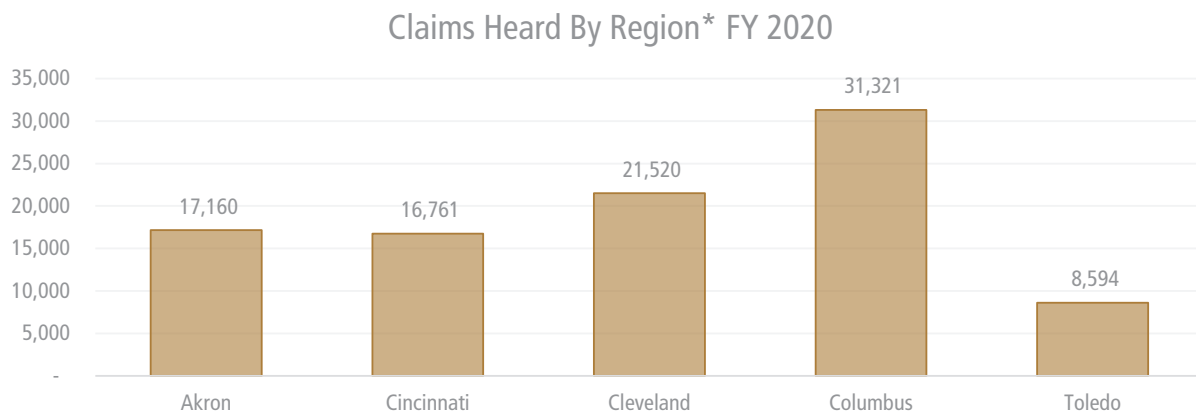
# HEARING ACTIVITY

Formal hearings and administrative reviews account for the majority of IC activity. In FY 2020, the IC made approximately 111,243 decisions on issues arising from workers' compensation claims.

During FY 2020, the IC performed 15,707 administrative reviews and heard a total of 95,536 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, 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 69 percent of the overall hearings during FY 2020 at 66,268 claims heard, while the SHO volume is recorded at 29,088 claims heard. Deputy venue claims heard totaled 62 in FY 2020 while the Commission venue recorded 118 claims heard. Total claims heard is inclusive of continuances, referrals, dismissals, and other final determinations made as a result of a hearing.



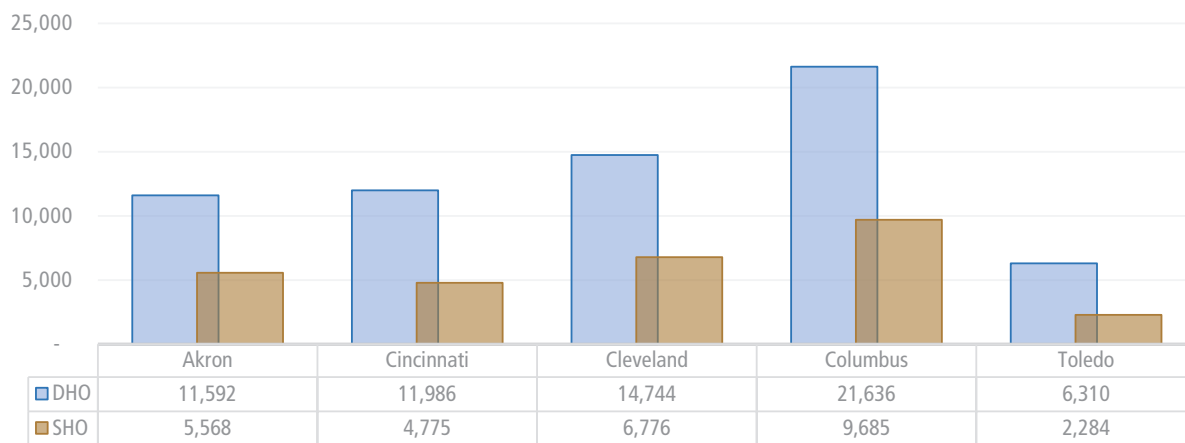
\*DHO/SHO only

# HEARING ACTIVITY

Regionally, the distribution of FY 2020 claims heard at DHO and SHO hearing levels is as follows: Columbus at 33 percent; Cleveland at 23 percent; Akron and Cincinnati at 18 percent each; and Toledo at 9 percent.

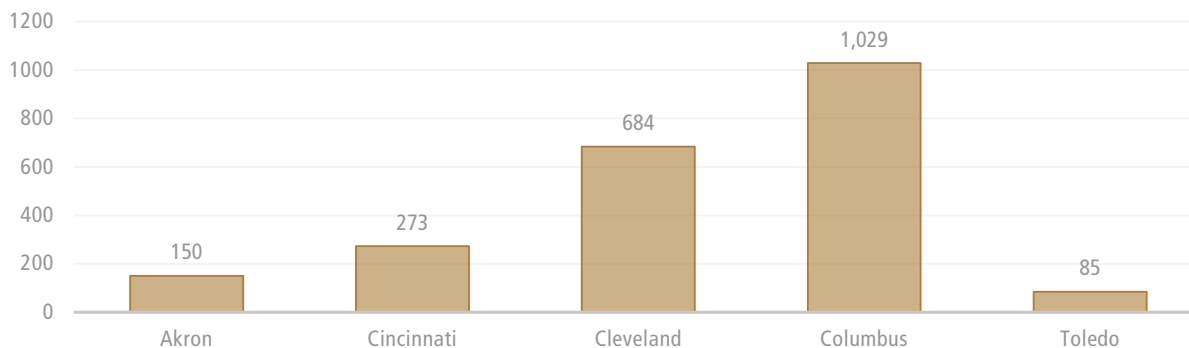
DHO and SHO hearings were conducted on 244 days during FY 2020. An average of 391 claims were heard per hearing day at the DHO and SHO hearing levels. District level hearings averaged 272 claims heard per day while Staff level hearings averaged 119 claims heard per day.

### DHO/SHO Claims Heard FY 2020



A total of 2,221 hearing records were flagged as requiring interpreter services during FY 2020 accounting for two percent of total hearings held.

### Hearings Held Requiring Interpreters FY 2020

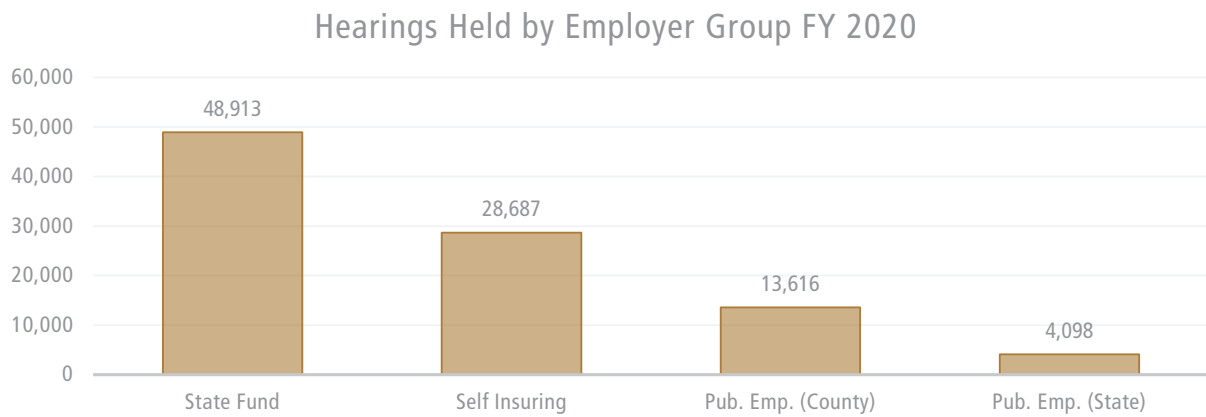


*Note: An interpreter may not have been present at each hearing.*

# HEARING ACTIVITY

## Hearings Held by Employer Group

Hearings were conducted for approximately 25,930 different employers in FY 2020. Hearings for claims of private state funded employers accounted for 51 percent of all hearings while self-insuring employers accounted for 30 percent; public county employers accounted for 14 percent; public state employers' claims accounted for 4 percent (percentages may not equal 100% due to rounding).

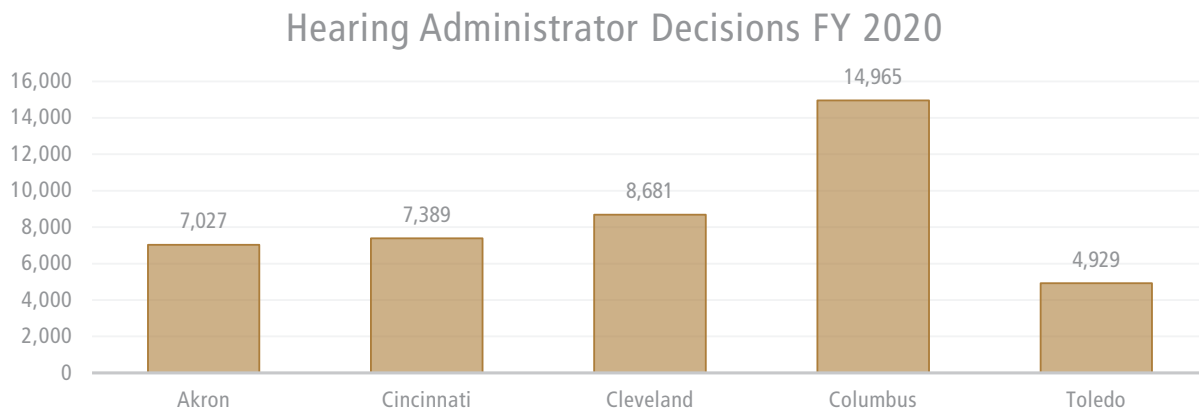


# HEARING ACTIVITY

## Hearing Administrator

Hearing Administrators perform a variety of functions that facilitate the adjudication process. In addition to processing approximately 24,509 continuance requests during FY 2020, they also processed 13,688 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 42,991 issues during FY 2020. Regional volumes of Hearing Administrator activity are presented in the graph below

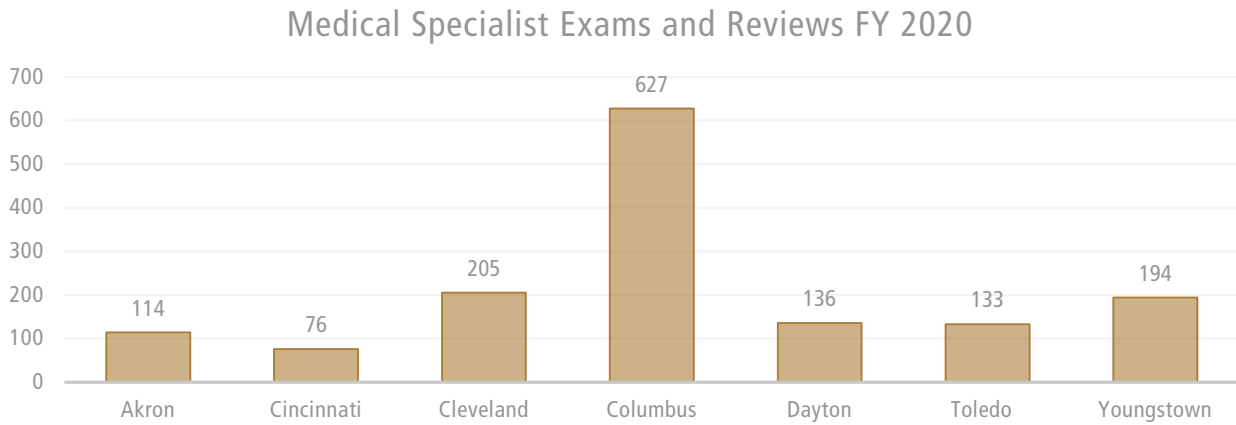


# HEARING ACTIVITY

## Medical Activity

The IC 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, 2020, was 492 claims.

A total of 1,485 specialist exams and medical reviews were performed on behalf of the IC during FY 2020.





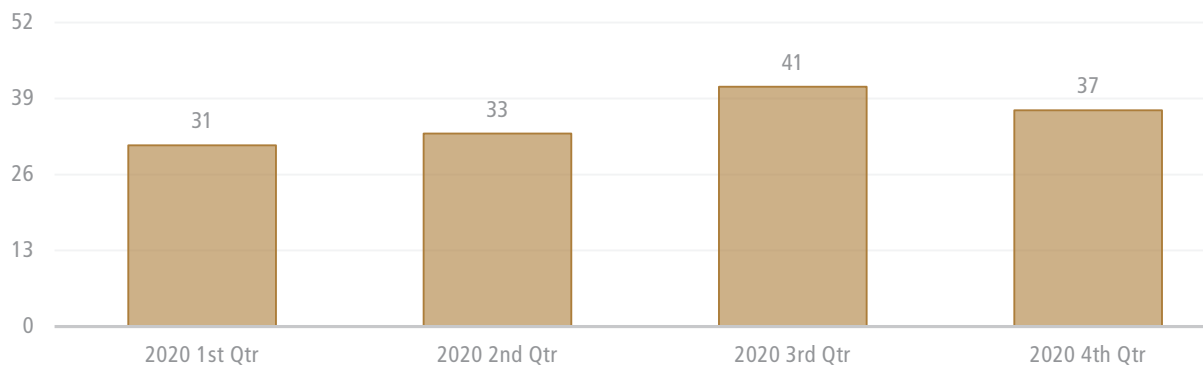
# PERFORMANCE

IC hearing timeframes for DHO, SHO, and Commission hearing venues are mandated by Ohio Revised Code 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 formal docket types – *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 Ohio Revised Code 4123.511. DHOs heard a total of 52,354 Allowance docket claims during FY 2020. Of those, 36,062 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 2020, Allowance dockets averaged 36 days for the statutory Filing to Hearing period. On average, the DHO Allowance process (*Filing to Mailing*) was completed within 39 days during FY 2020.

DHO Allowance Filing to Mailing Performance FY 2020

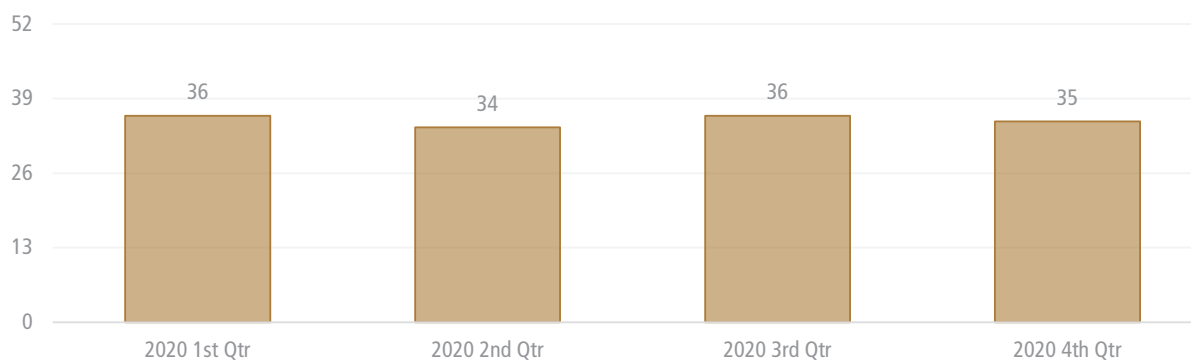


# PERFORMANCE

## Staff Hearing Officer Performance

SHOs 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 timeframe requirements outlined in Ohio Revised Code 4123.511. SHOs heard a total of 24,785 appeal claims during FY 2020. Of those, 21,017 qualified for inclusion in time studies. Per statute, Staff hearing level appeals must be heard within a 45-day period. In FY 2020, SHO Appeal processes averaged 35 days for the statutory *Filing to Hearing* period.

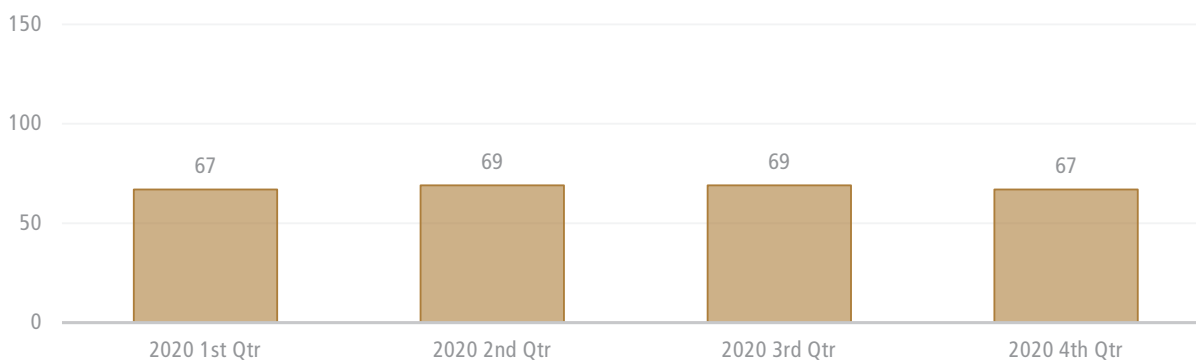
SHO Appeal Filing to Mailing Performance FY 2020



## Commission Performance

For hearings conducted during FY 2020, the Commission venue average for the statutory *Filing to Hearing* period is 42 days. The Commission venue average for the *Filing to Mailing* timeframe is 68 days.

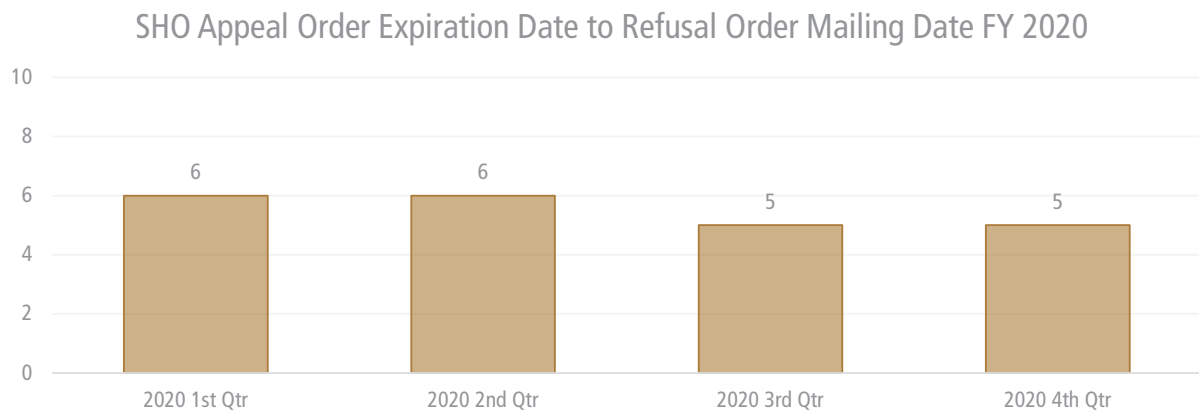
Commission Filing to Mailing Performance FY 2020



# PERFORMANCE

## SHO Refusal Order Performance

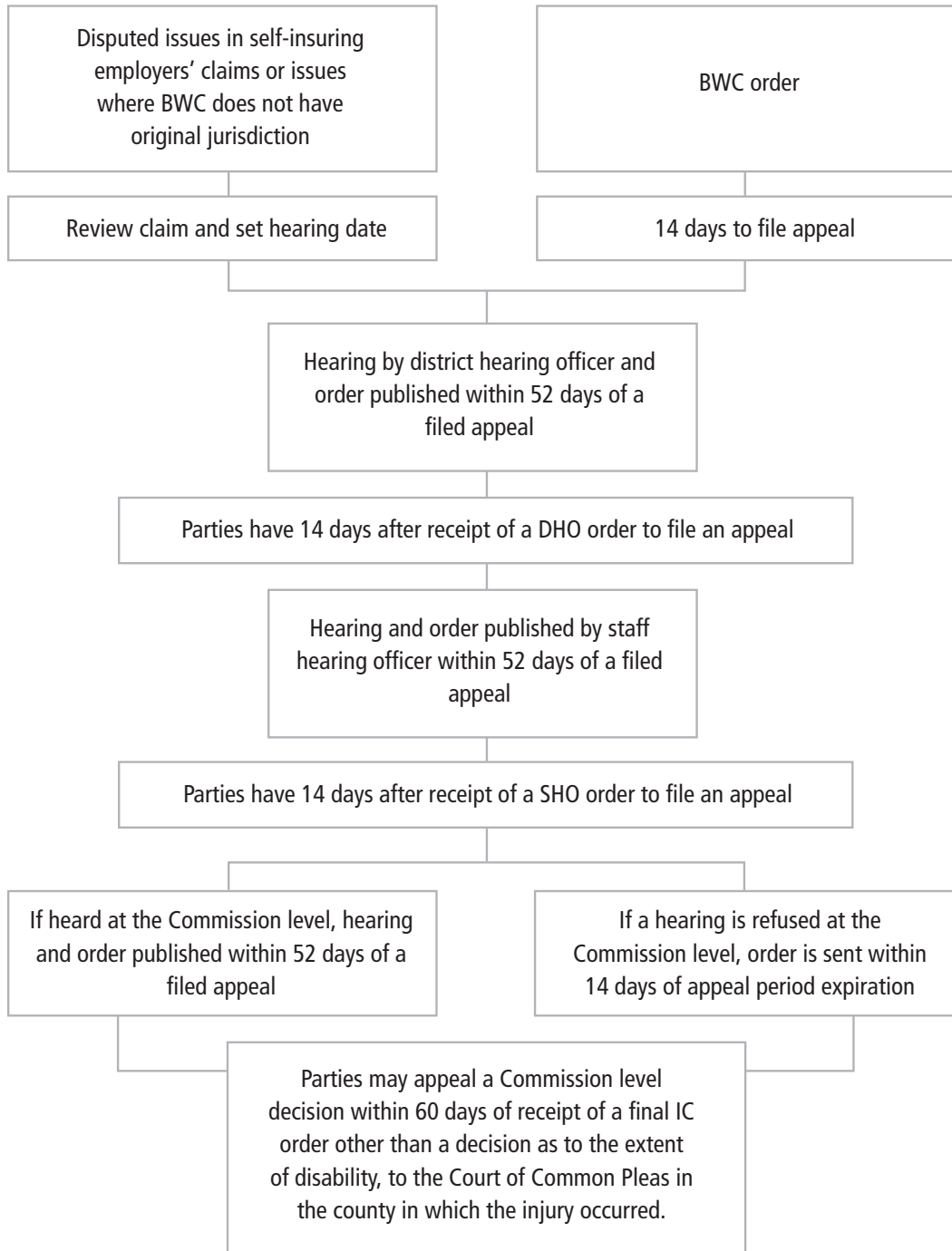
Appeals to SHO orders are discretionary in nature and processed centrally by the Commission Level Hearing Section in Columbus. Per mandate, if an appeal is refused, it is to receive a refusal order within 14 days of the expiration period in which an appeal may be filed to an SHO order.



# APPENDIX

## ADMINISTRATIVE HEARING LEVELS CHART

**Administrative Hearing Levels Flow Chart\***

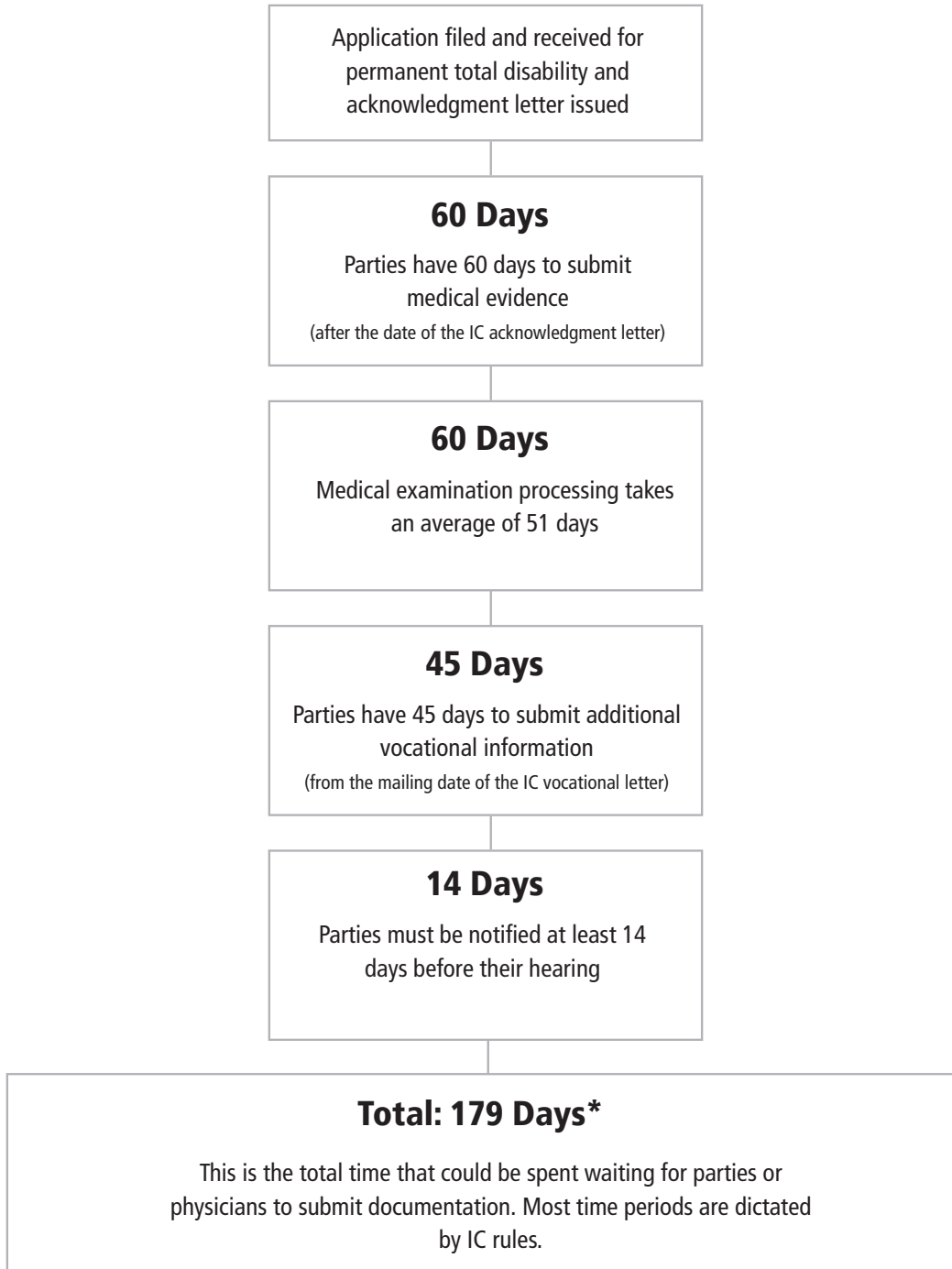


\*Only includes the allowance and appeal processes.

# APPENDIX

## PTD TIMELINE

### Permanent Total Disability (PTD) Timeline



\* The entire PT Process averaged 222 days during CY 2019.

# 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, 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

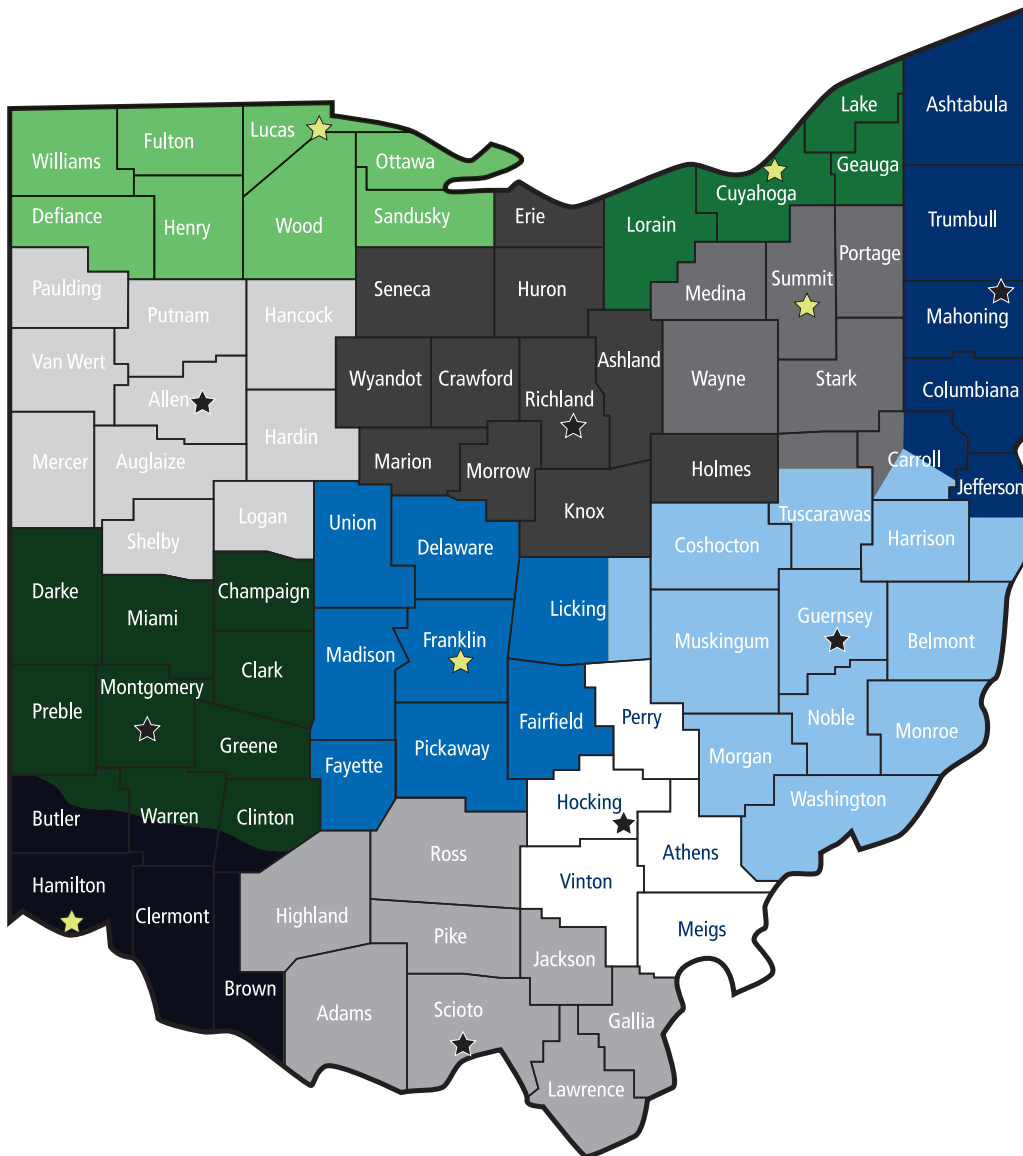
2025 E. Fourth St.  
Lima, Ohio 45804-0780

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

# 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.



# GLOSSARY OF WORKERS' COMPENSATION TERMS

**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.

# Ohio | 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**

**Mike DeWine**, Governor

**Jon Husted**, Lt. Governor

**Jim Hughes**, Chairman

**Jodie M. Taylor**, Member

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



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