

Ohio | Industrial Commission

**ANNUAL
FISCAL
REPORT**

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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) 2021.

Under the leadership of Governor Mike DeWine, the Ohio Industrial Commission is dedicated to providing outstanding service to the injured workers and employers of Ohio.

This report shows that we are an agency that listens and responds to our customers while implementing new ideas swiftly and responsibly. In the past fiscal year, our agency adjudicated more than 98,000 workers' compensation appeals throughout our 12 offices statewide. Despite the challenges of the COVID-19 pandemic, we have successfully launched numerous creative and innovative initiatives to better serve the citizens of our state.

A few of our recent agency highlights include:

- Welcomed Commissioner Daniel J. Massey as the employer member of the IC on July 1, 2021.
- Instituted numerous technological advances to enhance IC staff's ability to provide excellent customer service in a teleworking environment.
- Maintained the agency's annual total expenditure level within a narrow 3.5% variance band that started in FY 2013.
- Kept FY 2021 expenditures within the \$45.1MM to \$46.7MM range over a nine-year period.
- Preserved a well-funded Administrative Cost Fund (ACF) reserve through long range forecasting and cost containment.
- Minimized employer ACF rate change impacts by factoring base rate reductions into the IC's funding needs. These efforts significantly reduce the risk of fund depletion.
- Achieved a Minority Business Enterprise (MBE) Set-Aside rate of 38.1% versus the 15% statutory threshold in FY 2021. The Encouraging Diversity, Growth, and Equality (EDGE) compliance rate is 32.8% vs. the 5% policy requirement for the same period.
- Worked with the Ohio General Assembly to successfully reduce the Ohio Attorney General invoice split with the Ohio Bureau of Workers' Compensation from 50/50 to 60/40 to better reflect the actual distribution of legal services, resulting in a significant savings for the IC.
- Installed Plexiglas barriers statewide in IC hearing rooms to ensure a safe work environment by controlling air flow in the hearing rooms.
- Established numerous protocols and installed special sanitation equipment to protect IC staff and customers from the spread of COVID-19.
- Reviewed the placement of office furniture and ease of visibility in each of our offices to improve the guard's line of sight to enhance employee workplace safety.
- Updated the new employee orientation program to include more details regarding the awareness of potential workplace violence.

I am proud to lead this exemplary agency and I am looking forward to our bright future. Providing Ohio's injured workers and employers with timely, impartial resolution of their workers' compensation appeals is the mission of our agency. Throughout the next fiscal year, we will adhere to that mission while continuing to provide outstanding customer service to ensure fair, compassionate and professional hearings.

Sincerely,



Jim Hughes, *Chairman*

ABOUT THE OHIO INDUSTRIAL COMMISSION (IC)

The IC conducts more than 98,000 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. Daniel J. Massey was appointed by Governor Mike DeWine to be the employer member for a term that began on July 1, 2021.

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.



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.



Daniel J. Massey

Employer Member

Dates of Service: July 2021 - June 2027

Daniel Massey brings decades of experience both within and outside state government.

He began his career as an Ohio assistant attorney general where his practice was both in litigation and agency representation. During his tenure, Dan's clients included the Ohio Department of Transportation, the Ohio Department of Commerce, and the Ohio Department of Insurance. He also represented various boards and commissions, including the Ohio State Dental Board and the Ohio State Racing Commission.

While working in state government, he also headed the legislative program within the Ohio Attorney General and was involved in the enactment of the Ohio Consumer Sales Practice Act and the lobbying disclosure law.

After leaving government service, he practiced law in Columbus. He maintained both a legislative and corporate practice and was instrumental in the passage of the alternate retirement system legislation, which allows certain public employees to join a private, defined contribution plan. He also served as a hearing officer for the Ohio State Racing Commission.

Prior to his appointment at the Ohio Industrial Commission, Dan worked at the law firm of Murray, Murphy, Moul and Basil in Columbus.

He has both a bachelor's degree and law degree from Capital University. He and his wife, Marilyn, live in Columbus. They have two children and four grandchildren.

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 2021, the IC heard 98,854 claims at all adjudicatory levels. District Hearing Officers (DHOs) heard 68,775 claims, while Staff Hearing Officers (SHOs) heard 29,948 claims, and the Commission heard 131 claims.

The IC timeframes mandated by R.C. 4123.511 were impacted by the COVID-19 operational response. 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 47 days, while Appeal docket issues averaged 38 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 51 days, while Appeal docket issues averaged 41 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 39,662. Second level and above ICON filings, inclusive of appeals filed to DHO and SHO orders, totaled 45,853 in FY 2021.

Customer Service received and responded to 1,497 AskIC submissions during this fiscal year. The department also scheduled 989 interpreters for injured workers' hearings. In addition, our toll-free customer service line and two local customer services lines received 4,147 calls this fiscal year. Staff personnel assisted 236 people at our Columbus office. Customer Service also processed 16,493 documents.

INVENTORY

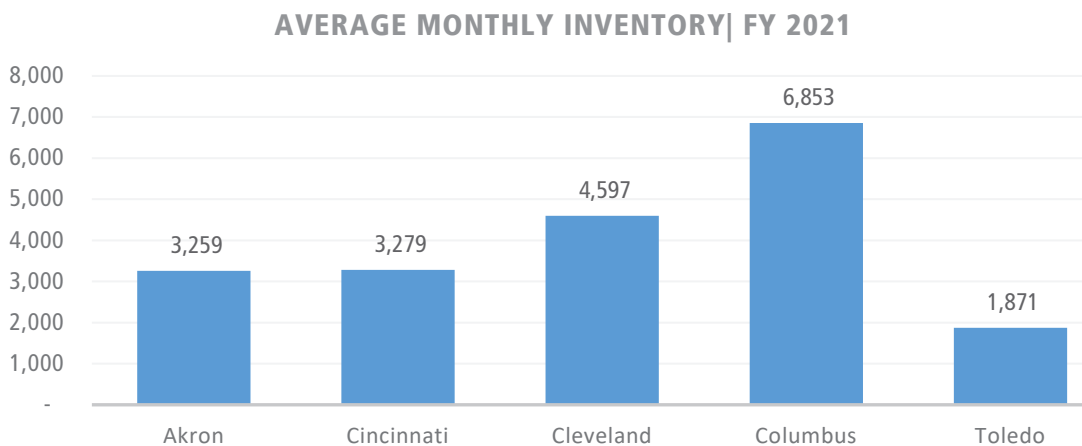
Motion/Appeal Filings

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 98,605 new first level motions and appeals were filed during FY 2021 for 62,590 separate claims.

Hearing Inventory

Statewide average monthly DHO/SHO inventory, inclusive of medical inventory, was 19,859 for FY 2021. Regional breakdown of average inventories for FY 2021 is as follows: Columbus - 35 percent; Cleveland - 23 percent; Akron - 16 percent; Cincinnati - 17 percent; and Toledo - 9 percent.



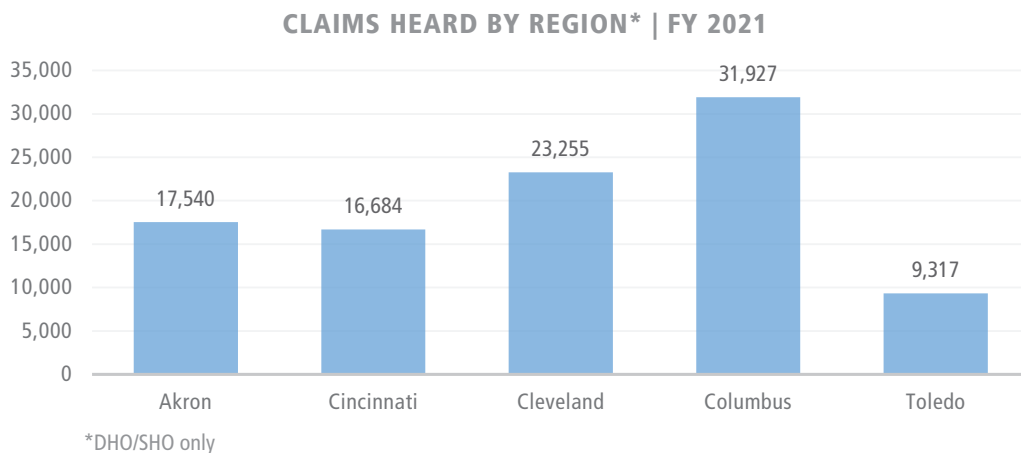
HEARING ACTIVITY

Formal hearings and administrative reviews account for the majority of IC activity. In FY 2021, the IC made approximately 175,375 decisions on issues arising from workers' compensation claims.

During FY 2021, the IC performed 14,962 administrative reviews and heard a total of 98,854 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

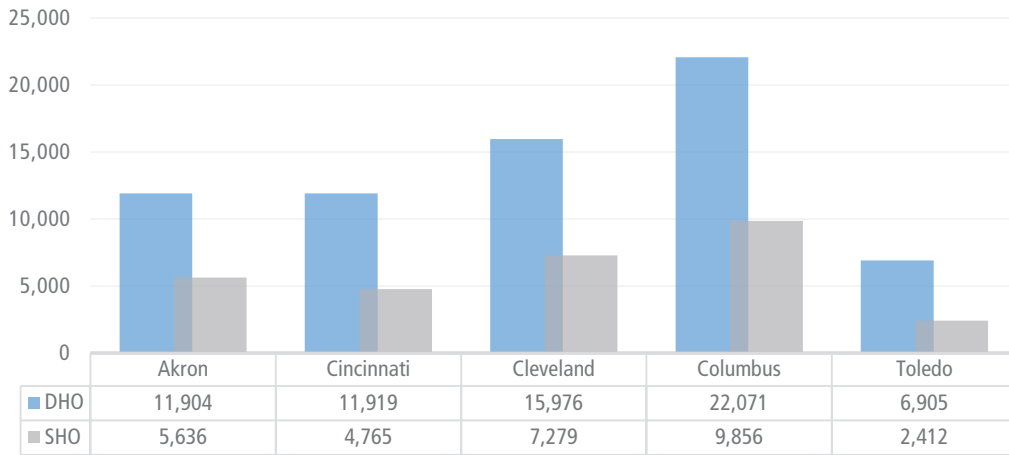
The total DHO hearing volume accounts for 70 percent of the overall hearings during FY 2021 at 68,775 claims heard, while the SHO volume is recorded at 29,948 claims heard. Deputy venue claims heard totaled 45 in FY 2021 while the Commission venue recorded 86 claims heard. Total claims heard is inclusive of continuances, referrals, dismissals, and other final determinations made as a result of a hearing.



Regionally, the distribution of FY 2021 claims heard at DHO and SHO hearing levels is as follows: Columbus at 32 percent; Cleveland at 24 percent; Akron at 18 percent; Cincinnati at 17 percent; and Toledo at 9 percent.

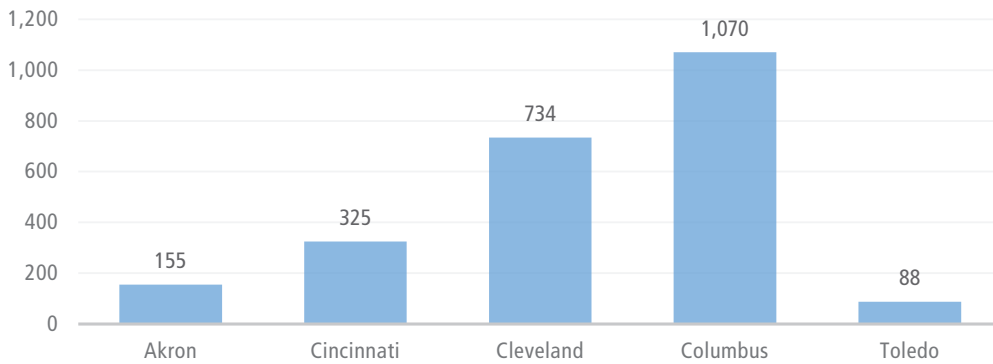
DHO and SHO hearings were conducted on 248 days during FY 2021. An average of 398 claims were heard per hearing day at the DHO and SHO hearing levels. District level hearings averaged 277 claims heard per day while Staff level hearings averaged 120 claims heard per day.

DHO/SHO CLAIMS HEARD | FY 2021



A total of 2,372 hearing records were flagged as requiring interpreter services during FY 2021 accounting for two percent of total hearings held.

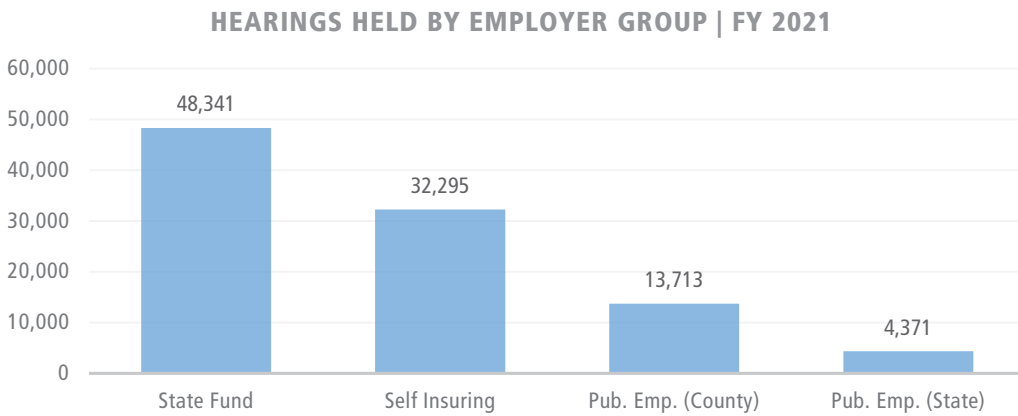
HEARINGS HELD REQUIRING INTERPRETERS | FY 2021



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

Hearings Held by Employer Group

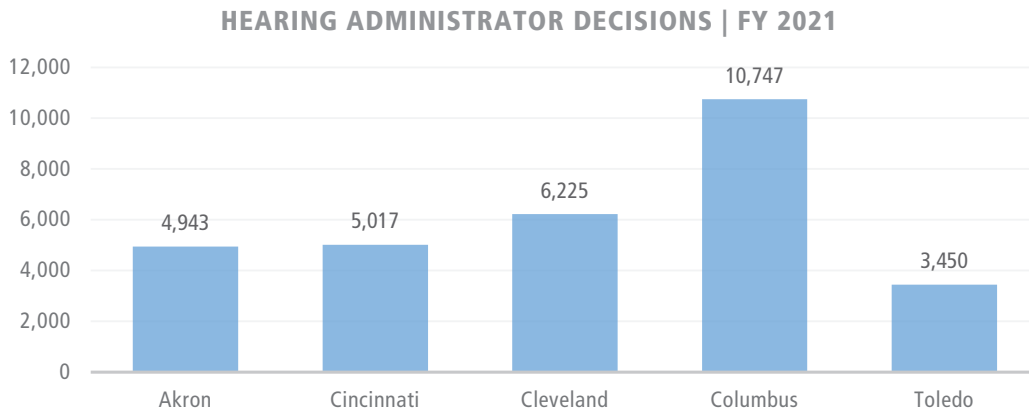
Hearings were conducted for approximately 25,440 different employers in FY 2021. Hearings for claims of private state funded employers accounted for 49 percent of all hearings while self-insuring employers accounted for 33 percent; public county employers accounted for 14 percent; public state employers' claims accounted for 4 percent (percentages may not equal 100% due to rounding).



Hearing Administrator

Hearing Administrators perform a variety of functions that facilitate the adjudication process. In addition to processing approximately 18,247 continuance requests during FY 2021, they also processed 25,537 requests to cancel scheduled hearings. Additionally, Hearing Administrators processed requests for extensions related to PTD filings and requests regarding other miscellaneous issues.

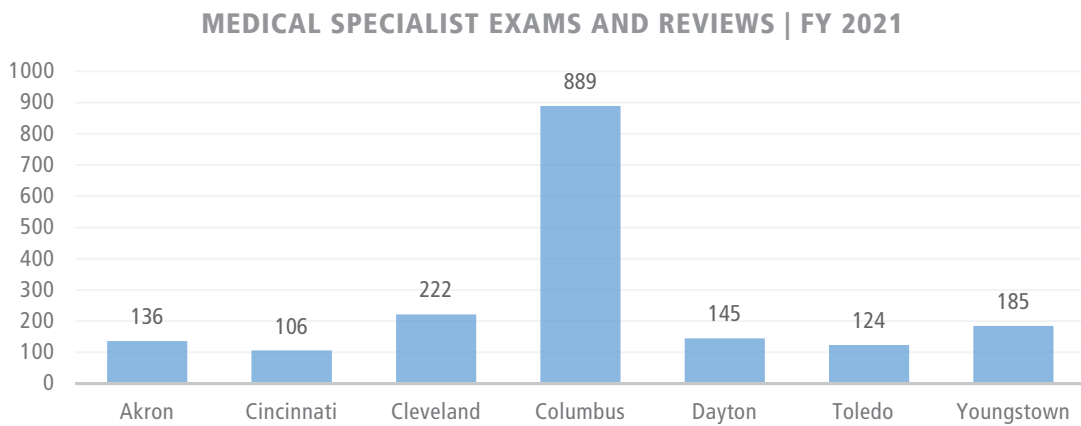
Statewide, Hearing Administrators made decisions on, or referred to hearing, approximately 30,382 issues during FY 2021. Regional volumes of Hearing Administrator activity are presented in the graph below.



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, 2021, was 357 claims.

A total of 1,807 specialist exams and medical reviews were performed on behalf of the IC during FY 2021.

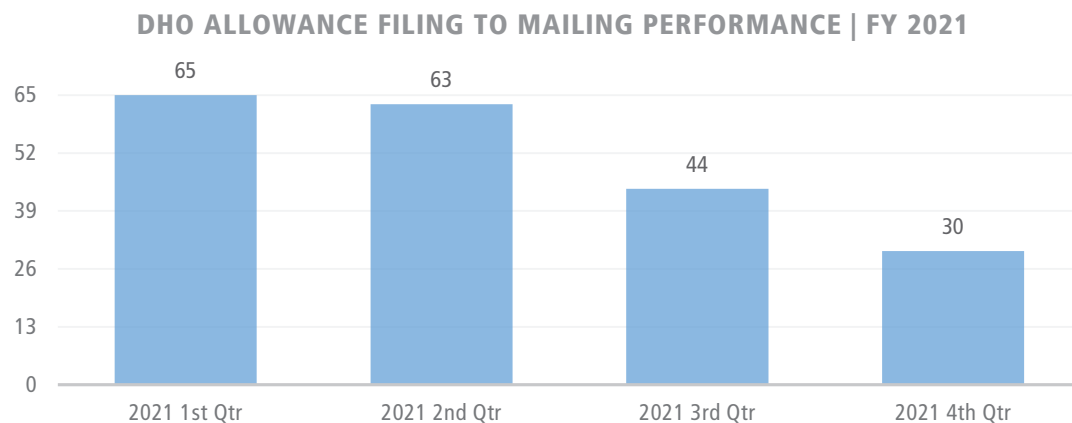


PERFORMANCE

IC hearing timeframes for DHO, SHO, and Commission hearing venues are mandated by R.C. 4123.511. On average, all IC offices 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).

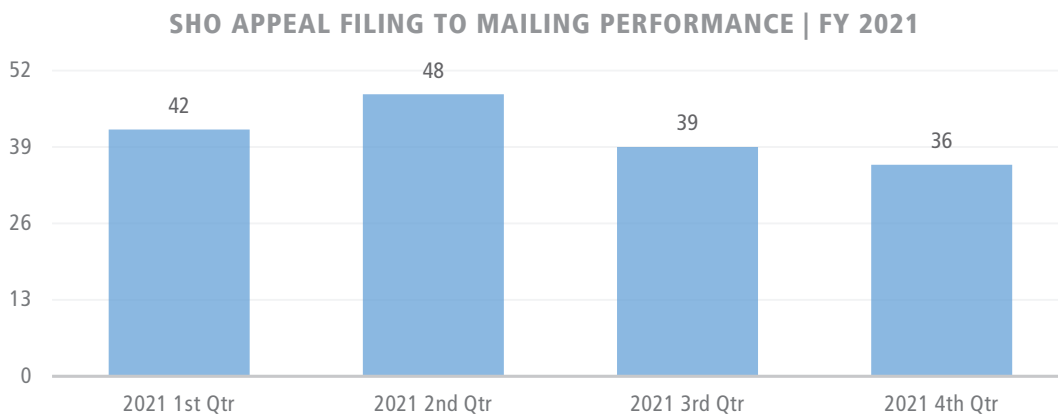
District Hearing Officer Performance

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 R.C. 4123.511. DHOs heard a total of 54,859 Allowance docket claims during FY 2021. Of those, 37,026 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 2021, Allowance dockets averaged 47 days for the statutory Filing to Hearing period. The COVID-19 operational response impacted timeframes during the fiscal year. On average, the DHO Allowance process (Filing to Mailing) was completed within 51 days during FY 2021.



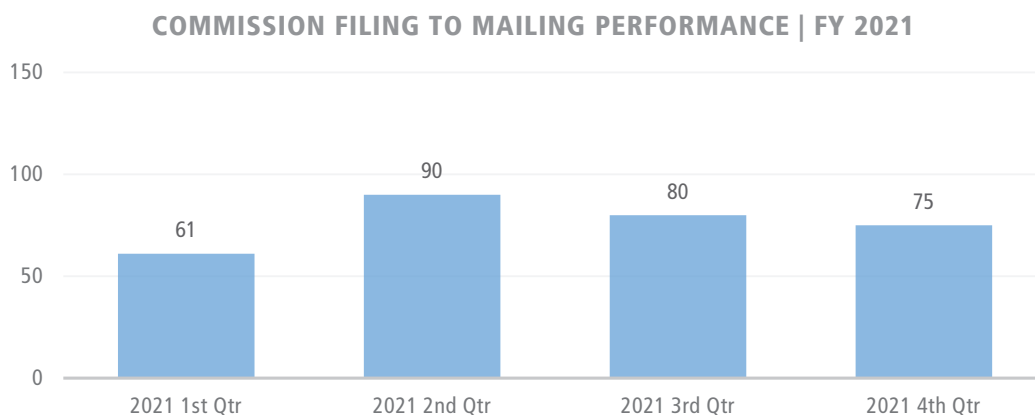
Staff Hearing Officer Performance

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 R.C. 4123.511. SHOs heard a total of 25,297 appeal claims during FY 2021. Of those, 21,822 qualified for inclusion in time studies. Per statute, Staff hearing level appeals must be heard within a 45-day period. In FY 2021, SHO Appeal processes averaged 38 days for the statutory Filing to Hearing period.



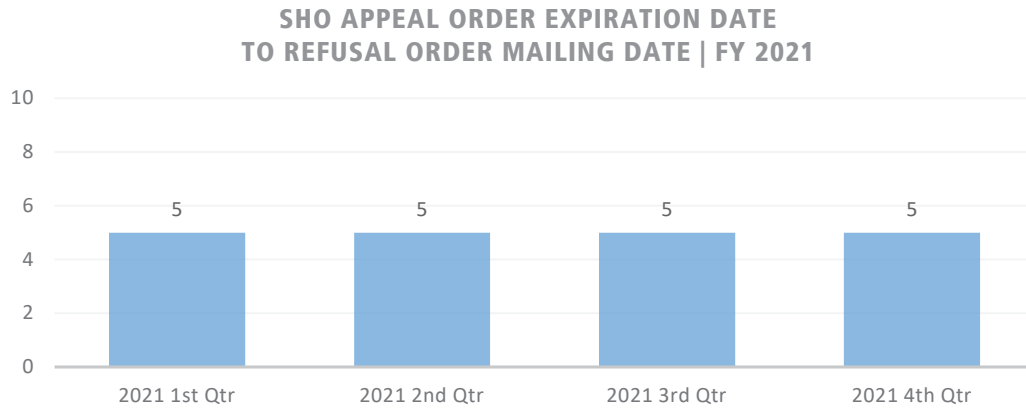
Commission Performance

Commission Appeal dockets fall under timeframe requirements outlined in R.C. 4123.511. For hearings conducted during FY 2021, the Commission venue average for the statutory 45-day Filing to Hearing period is compliant at 42 days. The Commission venue average for the Filing to Mailing timeframe is 76 days.



SHO Refusal Order Performance

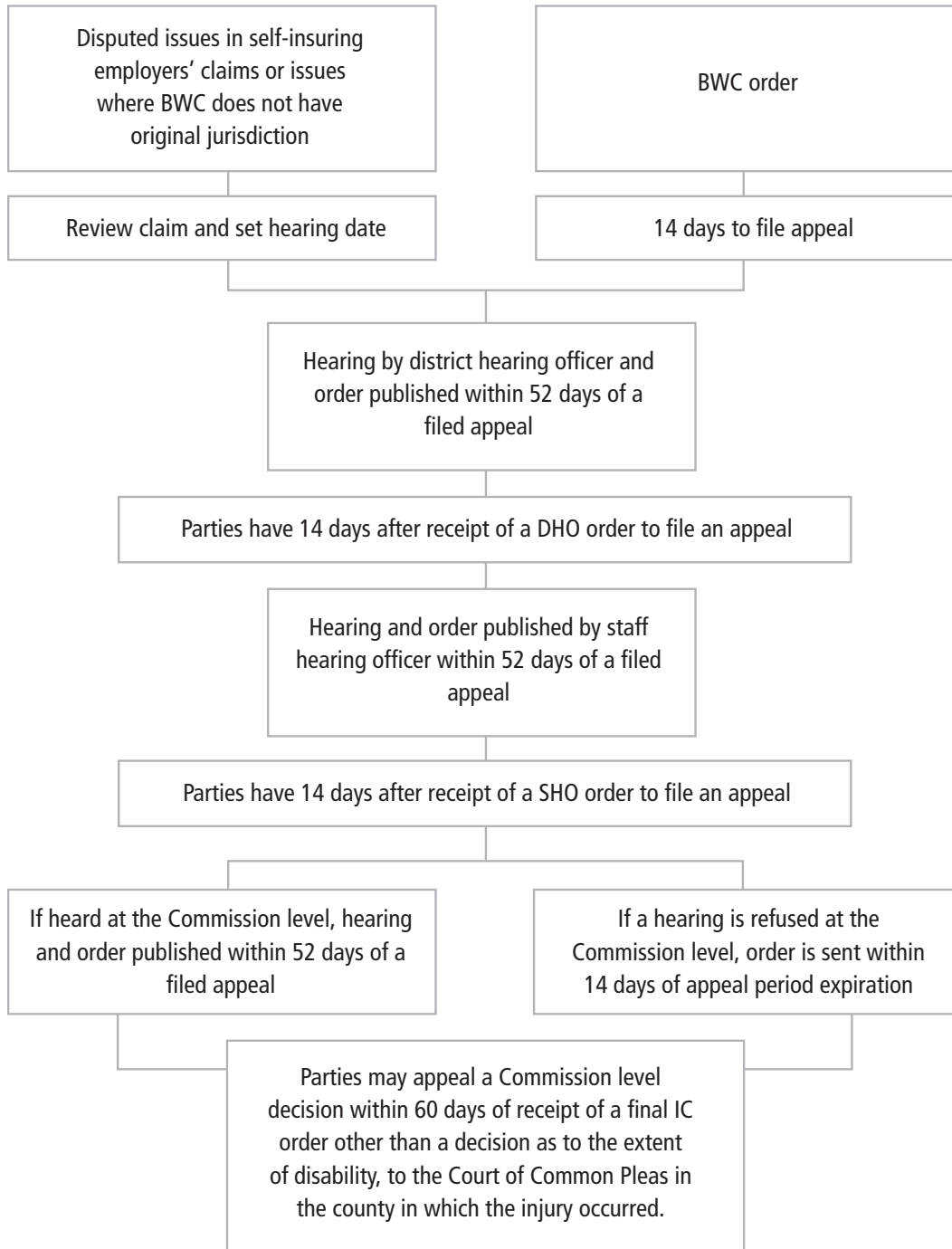
Appeals to SHO orders are discretionary in nature and processed centrally by the Commission Level Hearing Section in Columbus. Per mandate, if an appeal is refused, it is to receive a refusal order within 14 days of the expiration period in which an appeal may be filed to an SHO order.



APPENDIX

ADMINISTRATIVE HEARING LEVELS CHART

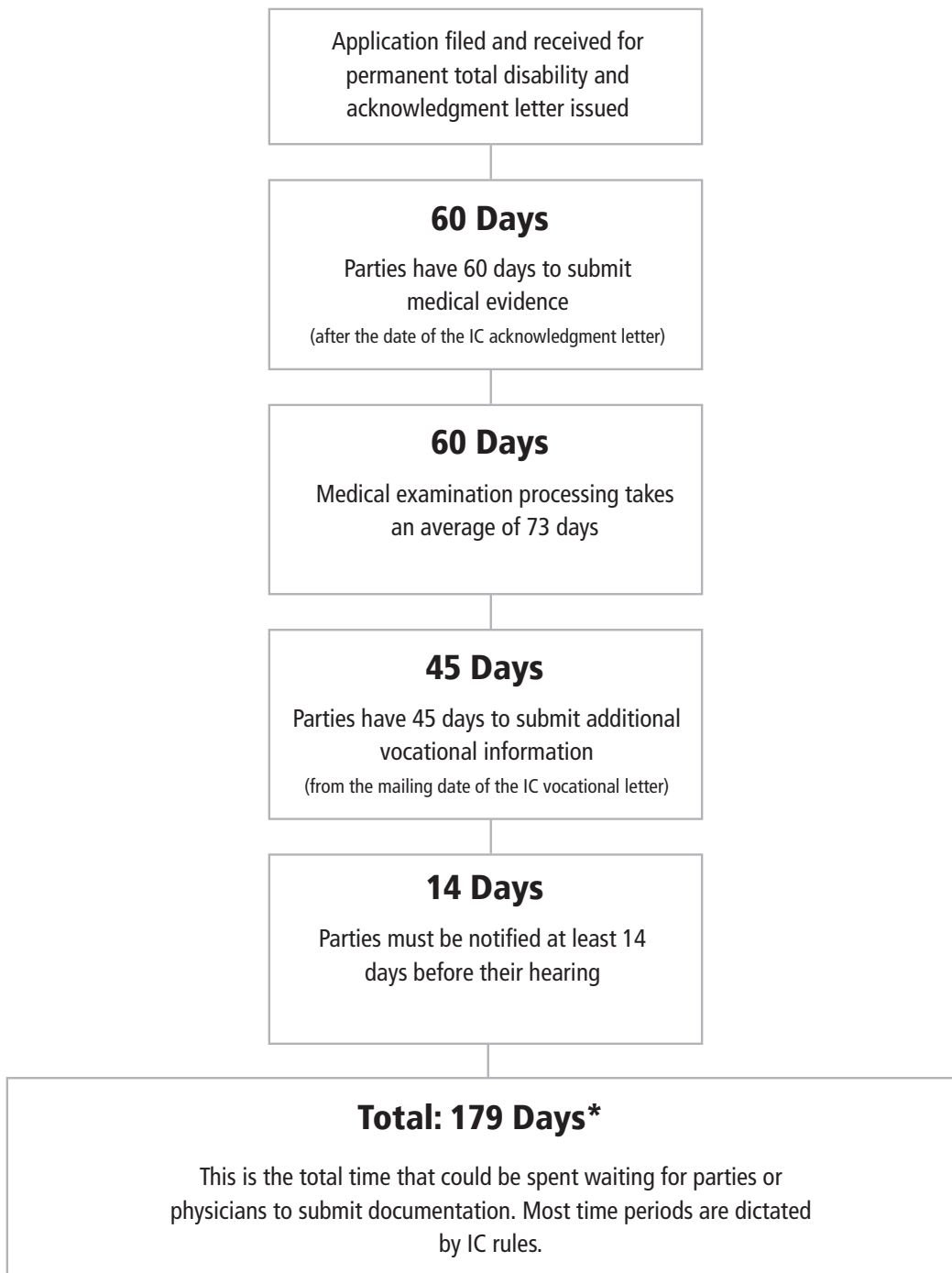
Administrative Hearing Levels Flow Chart*



*Only includes the allowance and appeal processes.

PTD TIMELINE

Permanent Total Disability (PTD) Timeline



* The entire PT Process averaged 255 days during FY 2021.

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

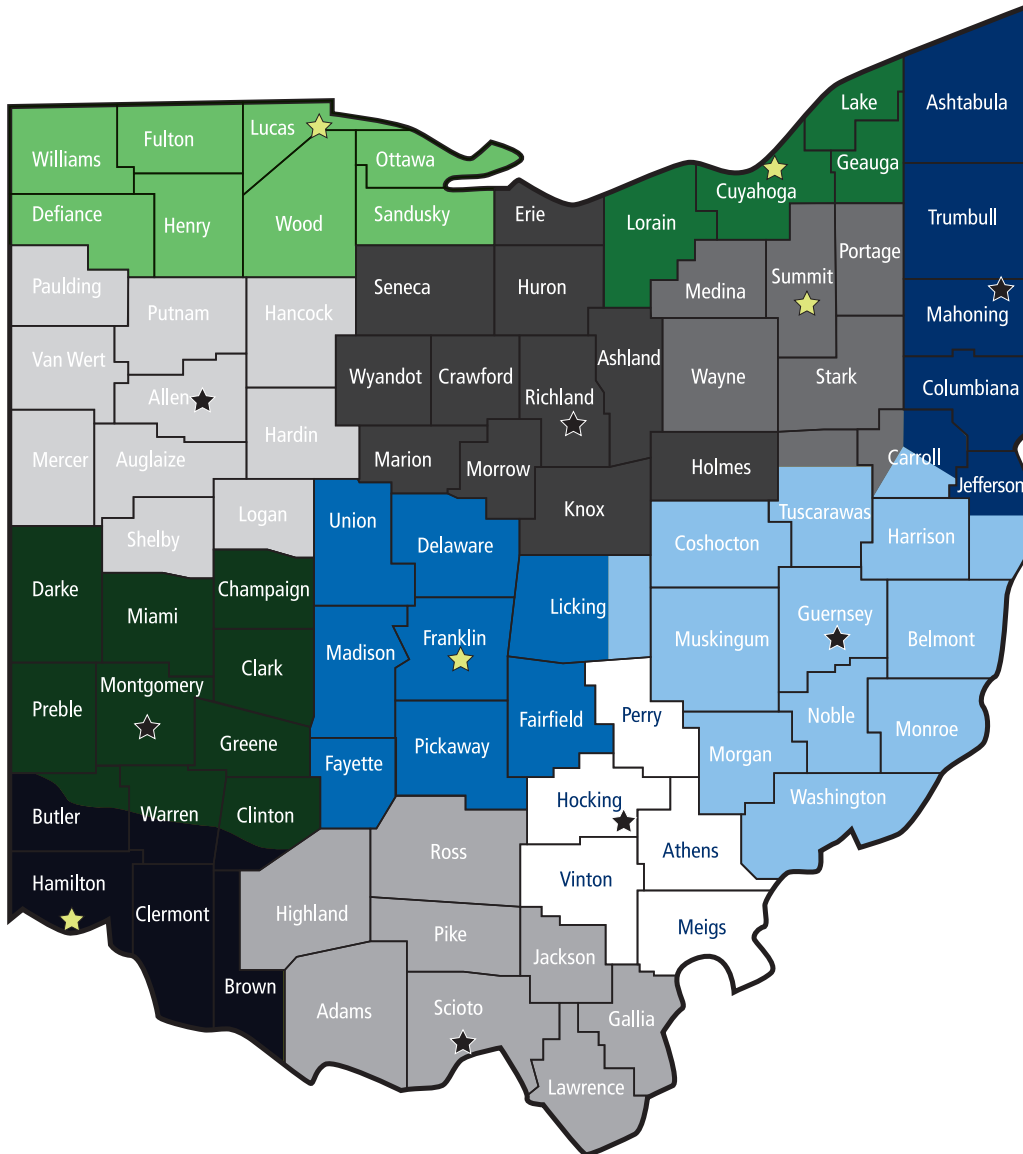
2025 E. Fourth St.
Lima, Ohio 45804-0780

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

Karen L. Gillmor, Ph.D., Member

Daniel J. Massey, Member



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