

Report Compiled by the Office of Management Planning

PRODUCTION ACTIVITY REPORT SUMMARY AND STATISTICAL HIGHLIGHTS

JANUARY 1 - DECEMBER 31, 2013

I. MOTIONS/APPEALS/INVENTORY

The Industrial Commission captured 203,458 issues at the **District Hearing Officer** (DHO) and **Staff Hearing Officer (SHO)** levels during calendar year (CY) 2013. The BWC recorded approximately 135,421 new injury, occupational disease, and death claims for state funded and self-insuring employers during 2013. Of these filings, approximately 18,492 (14%) were contested and received in the IC for determination.

DHO level issues captured (Allowance and C92) totaled 141,999 and SHO level issues (Appeals, PTD, Reconsideration, VSSR, and SHO Miscellaneous) totaled 61,459. Appeals and reconsiderations filed at the Commission hearing level totaled 24,174 and 726, respectively. *First Level* ICON filings, inclusive of .522/.52 filings and appeals to BWC orders, totaled 62,189 while *Second Level and Above* ICON filings, inclusive of appeals to DHO and SHO orders, totaled 62,986.

Additionally, there were approximately 22,832 issues captured during CY 2013 that do not initially require formal adjudication via hearing (lump sum settlements, lump sum advancements, Hearing Administrator issues, PTD adjustments, etc.). This reflects a 10 percent decrease over the volume of non-hearing issues captured in 2012 (25,469).

As of December 31, 2013, the IC ending inventory was 20,835 claims at all adjudicatory levels. This is inclusive of claims being processed in the IC medical sections, which totaled 868.

II. HEARING ACTIVITY

The IC heard a total of 143,442 claims during CY 2013 at all adjudicatory levels. The total DHO volume accounts for 70% of overall hearings at 99,923 claims heard. Total SHO claims heard are recorded at 43,135 claims. Deputy venue claims heard totaled 116 in CY 2013 while the Commission venue recorded 268 claims heard.

DHO and SHO hearings were conducted on 245 days during CY 2013 at an average of 584 claims heard per day. District Hearing Officers averaged 408 claims heard per day while Staff Hearing Officers averaged 176 claims heard per day. Commission level hearings were scheduled on 77 days during CY 2013.

During CY 2013, 26% of all claims heard were for self-insuring (SI) risks while 74% were for non-SI risks.

III. MEDICAL ACTIVITY

The IC currently schedules medical exams in seven districts - Akron, Cincinnati, Cleveland, Columbus, Dayton, Toledo, and Youngstown. A total of 3,227 specialist exams and medical reviews were performed on behalf of the IC during CY 2013. The majority of these exams (99%) were related to PTD filings.

IV. **PERFORMANCE**

District Hearing Officers heard a total of 78,691 Allowance docket claims during CY 2013. The statewide median for the 45-day *Filing to Hearing* mandate is **29 days**, while the statewide median for the seven-day *Hearing to Mailing* mandate is **3 days**.

Of the qualifying CY 2013 Allowance docket claims heard, 7,571 claims, or 12%, were beyond the 45-day *Filing to Hearing* mandate on industry performance. Of the qualifying 2013 Allowance claims heard, 4,646 claims, or seven percent, were beyond the 38-day *Receipt Date to Hearing Date* benchmark reflecting IC performance. This reflects a 22% decrease in the volume of non-compliant claims with an improvement of 2.7 percentage points in the rate of non-compliance compared to 2012 performance.

Staff Hearing Officers heard a total of 35,809 Appeal docket claims during CY 2013. The statewide median for the 45-day *Filing to Hearing* mandate is **32 days**, and the statewide median for the seven-day *Hearing to Mailing* mandate is **3 days**.

A total of 1,989 PTD claims were heard during CY 2013. PTD applications were adjudicated within an average of **181 days** (approximately six months) during CY 2013. This reflects a one-day regression from CY 2012. Statewide, final orders were published within **5 days** of the hearing during CY 2013.

Ohio Revised Code 4123.511 (E) requires the issuance of a refusal order within 14 days of the expiration of the period in which an appeal may be filed to an SHO order. Collectively, IC refusal orders were issued in an average of **6 days** for the respective 14-day statutory period.

For hearings conducted during CY 2013, the combined venue Commission and Deputy average for the period *Filing of Appeal to Hearing Date* is **43 days**. This is a one-day improvement from the 2012 average of 44 days. The combined venue average for the seven-day *Hearing to Mailing* mandate is **35 days**. This is a progression of ten days from the CY 2012 average of 45 days. The combined venue average for the **Filing of Appeal to Mailing of Order** is **77** days, a twelve-day improvement from the CY 2012 rate of 89 days.

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INVENTORY

Industrial Commission (IC) workloads and performance are initiated by and heavily dependent upon the volume of new motion and appeal filings. IC inventory volume is subject to volatile daily swings dependent on appeal filing, claim flows from the Bureau of Workers' Compensation (BWC), examiner production in relation to the number of issues involved in a claim, docketing loads, and continuances granted.

BWC New Claims Filed*

The BWC reported approximately 135,421 new injury, occupational disease, and death claims during the 2013 calendar year (CY). Approximately 25,559 (19%) of these filings were for self-insured employers. The estimated breakdown of claim volumes by risk type and claim type is as follows:

CLAIM TYPE	DEATH	LOST TIME	MEDICAL ONLY	OCCUPATIONAL DISEASE	NEW FILINGS TOTAL
SELF-INSURED (SI)	81	4,165	21,110	203	25,559
NON-SI	172	3,294	105,735	661	109,862
TOTAL	253	7,459	126,845	864	135,421

*Source: BWC Data Warehouse

Approximately 14% of all new claims filed were contested in whole or in part and forwarded to the IC for determination. Original allowance and Death allowance issues were captured for 18,492 claims during CY 2013. The majority of these resulted in an Allowance docket hearing.

IC New Motions and Appeals Filed

Approximately 145,763 new first level motions and appeals were filed during CY 2013 for 95,775 separate claims. A number of claims have multiple issues attached per motion and not all motions or appeals will result in a hearing. Approximately 202,073 issues were captured at the first and second adjudicatory levels during CY 2013, reflecting a six percent decrease from CY 2012. First level ICON filings for CY 2013, inclusive of .522/.52 filings and appeals to BWC orders, totaled 62,189. Second level and above filings, inclusive of appeals to District Hearing Officer (DHO) and Staff Hearing Officer (SHO) orders, totaled 62,986. The docket type distribution of DHO and SHO motion and appeal filings is as follows:

ISSUES CAPTURED	DOCKET VOLUME	PERCENT OF TOTAL*
DHO ALLOWANCE	119,195	59%
DHO C-92	22,804	11%
SHO APPEAL	52,379	26%
SHO PTD	2,145	1%
SHO RECON	4,795	2%
SHO VSSR	643	<1%
SHO MISC	1,497	1%

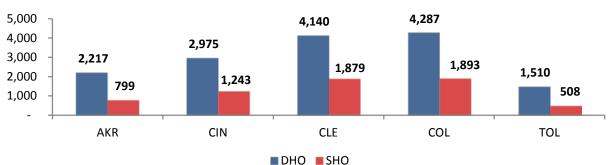
* Percentages are rounded

Commission level appeals and reconsiderations filed totaled 24,174 and 726, respectively for CY 2013.

INVENTORY

Average Ending Inventory

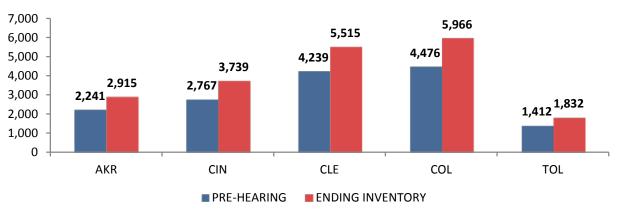
Statewide average monthly DHO and SHO inventory was 21,451 claims for CY 2013. Regional breakdown of average inventories for CY 2013 is as follows: Cleveland – 28%; Columbus – 29%; Cincinnati – 20%; Akron – 14%; Toledo – 9%.



AVERAGE MONTHLY INVENTORY

Hearing Inventory

As of December 2013, the IC maintained a pre-hearing inventory of 15,135 claims at DHO and SHO levels, accounting for 76 percent of total ending inventory. The remainder of the inventory constitutes post-hearing claims awaiting an order or under appeal status. Additional claims on hand outside of normal hearing processes are not included in the ending and average inventory figures.



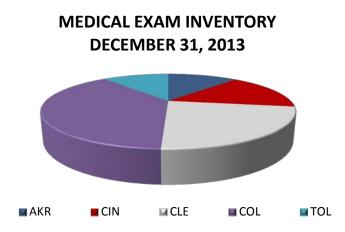
INVENTORY : DECEMBER 2013

Regional DHO and SHO inventory levels presented above exclude medical inventory.

INVENTORY

Medical Exam Inventory

The volume of claims within the IC medical section as of December 31, 2013 was 868, accounting for four percent of total inventory.



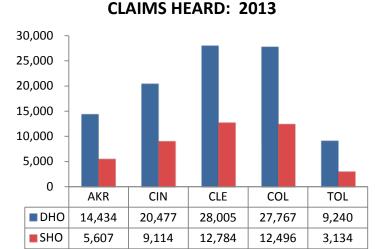
The majority of these claims (99 percent) are processed for PTD related specialist claims. The remaining claims are referred for an exam or medical review of non-PTD related issues. PTD medical exams are performed in all statewide regions with the initial scheduling process centralized in the Columbus office.

As of December 31, 2013, statewide inventory totaled 20,835 claims at all adjudicatory levels (including medical claims). The volumes of claims being processed for Commission venue hearings (172), in the Court Unit (6,406), and for Attorney Fees (23), are not counted in DHO and SHO inventory figures.



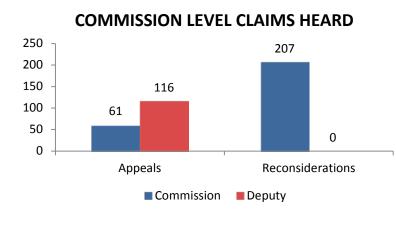
The Industrial Commission heard a total of 143,442 claims during CY 2013 at all adjudicatory levels. The total DHO volume accounts for 70 percent of overall hearings at 99,923 claims heard. Total SHO venue is recorded at 43,135 claims heard. Deputy venue claims heard totaled 116 in CY 2013, while the Commission venue recorded 268 claims heard.

Approximately 22,832 issues were captured that do not initially require formal adjudication via hearing (lump settlements, lump sum sum advancements, Hearing Administrator issues, PTD adjustments, etc.). These issues receive review and processing at the clerical, 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 reflected accordingly under are respective hearing venues.



Formal hearing volumes for CY 2013 reflect a five percent decrease from 2012 totals. The 22,832 total noted above is a 10 percent decrease from the volume of non-hearing issues captured in 2012 (25,469). Collectively, the aggregate volume of IC decisions declined six percent from CY 2012.

Regionally, the distribution of CY 2013 claims heard at DHO and SHO hearing levels is as follows: Cleveland – 29%; Columbus – 28%; Cincinnati – 21%; Akron – 14%; Toledo – 9%. The total claims heard figure is inclusive of continuances, referrals, dismissals, and other final determinations made as a result of a hearing.



DHO and SHO hearings were conducted on 245 days during CY 2013. Combined averages of 584 claims were heard per day at the DHO and SHO hearing levels. District Hearing Officers averaged 408 claims heard per day while Staff Hearing Officers averaged 176 claims heard per day.

Commission level hearings were scheduled on 77 days during CY 2013. Commission venue Appeals and Reconsiderations were scheduled at a

rate of five claims per hearing day. Deputy venue claims are disseminated from the Commission Level Hearing Section in Columbus and are not docketed in a systematic manner. Thus, the volume of claims heard per day at this level is indistinct.

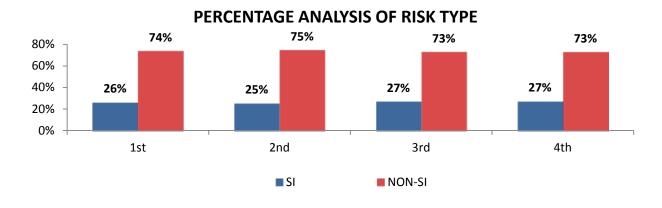
Claims Heard by Docket Type

DOCKET TYPE	AKRON	CINCINNATI	CLEVELAND	COLUMBUS	TOLEDO	TOTAL
DHO ALLOWANCE	10,858	16,689	21,215	22,402	7,527	78,691
DHO C92	3,576	3,788	6,790	5,365	1,713	21,232
SHO Appeal	4,492	7,871	10,656	10,253	2,537	35,809
SHO Recon	789	752	1,392	1,289	255	4,477
SHO Misc.	115	102	287	161	89	754
SHO VSSR	10	29	40	21	6	106
SHO PTD	201	360	409	772	247	1,989
Deputy	4	13	23	64	12	116
Commission	-	-	-	268	-	268
Total	20,045	29,604	40,812	40,595	12,386	143,442

DHO Allowance claims heard account for 55 percent of the statewide total, while DHO C-92 claims account for 15 percent. SHO dockets are accounted for as follows: Appeals – 25 percent; Reconsiderations – 3 percent; PTD – 1 percent. Deputy and Commission venue hearings account for less than one percent of the statewide total.

Risk Type Analysis

During CY 2013, 26 percent of all claims heard were for self-insuring (SI) risks while 74 percent were for non-SI risks. Statewide, quarterly ratios remained relatively steady throughout the year with slight variations by region.

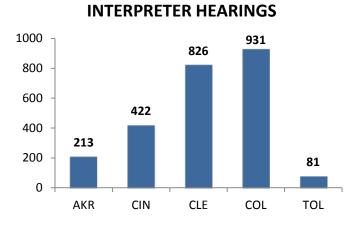


Hearings Held By Employer Group

DOCKET TYPE	State Fund	Self-Insured	Pub. Emp. (County)	Pub. Emp. (State)	TOTAL
DHO ALLOWANCE	46,045	20,123	9,337	3,200	78,705
DHO C92	10,916	5,500	3,856	962	21,234
SHO Appeal	19,973	9,970	4,133	1,737	35,813
SHO Recon	2,044	1,574	656	203	4,477
SHO Misc.	491	176	79	23	769
SHO VSSR	91	13	2	1	107
SHO PTD*	919	172	139	53	1,283
Deputy	51	51	10	2	114
Commission	96	117	26	11	250
Total	80,626	37,696	18,238	6,192	142,752

Hearings were conducted for approximately 25,711 different risks during CY 2013. Hearings for claims of private state funded employers accounted for 57 percent of all hearings while self-insuring employers accounted for 26 percent; public county employers accounted for 13 percent; and public state employers' claims accounted for 4 percent.

Specialized Hearing Type



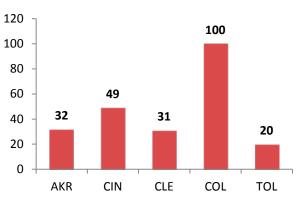
A total of 2,473 hearing records were flagged as requiring interpreter services during CY 2013 - an eight percent increase from CY 2012.

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

HEARING ACTIVITY

A total of 232 emergency hearings were scheduled during CY 2013.

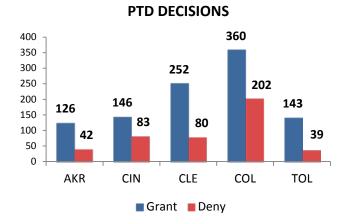
Emergency hearings are scheduled based on designated docket types per IC rule, circumstantial requests by the respective parties of a claim, or other justifiable reasons.



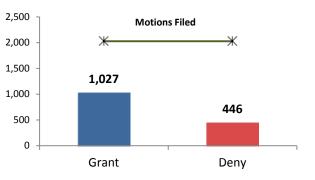
EMERGENCY HEARINGS

Permanent Total Disability Decisions

Permanent Total Disability (PTD) filings for CY 2013 totaled 2,128. Filings increased 10 percent compared to the 1,843 filings in CY 2012. Of those PTD applications that were either granted or denied during CY 2013, 70% were rendered PTD grants versus 30% PTD denials. Regionally, the respective grant/deny rates were as follows: Akron – 75%, 25%; Cincinnati – 64%, 36%; Cleveland – 76%, 24%; Columbus – 64%, 36%; Toledo – 79%, 21%. Given processing times for PTD applications, there is not always a direct correlation between motion filing and decisions rendered within the same calendar year. Additionally, some PTD applications are withdrawn, dismissed, or otherwise disposed. These totals are not reflected in this report.



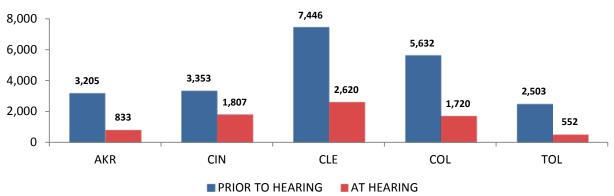
STATEWIDE PTD DECISIONS



HEARING ACTIVITY

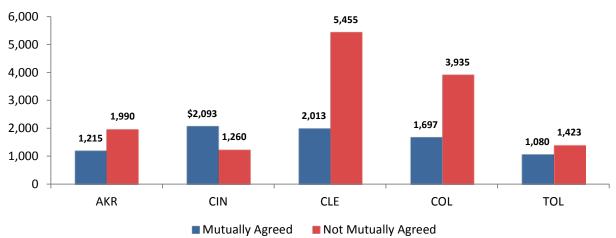
Continuances

Statewide, the average continuance rate *prior* to hearing (for all issues) increased by one point to 15 percent of claims heard, while the average continuance rate *at* hearing (for all issues) remained at 5 percent, compared to CY 2012. Continuances granted *prior* to hearing for all issues totaled 22,139 during CY 2013, while continuances granted *at* hearing totaled 7,532. The Toledo region maintained the highest rate for continuances *prior* to hearing at 20 percent. The Cincinnati and Cleveland regions maintained the highest rate for continuances *at* hearing registering six percent each.



CONTINUANCES GRANTED: ALL ISSUES

Continuances impact inventory backlogs, docketing, and time frames. Mutually agreed continuances prior to hearing are not eligible for time frame consideration. Continuances prior to hearing that are not mutually agreed may remain eligible if the time frames are not waived by the parties at some other point and the issue reaches a subsequent hearing.



CONTINUANCES: ALL ISSUES

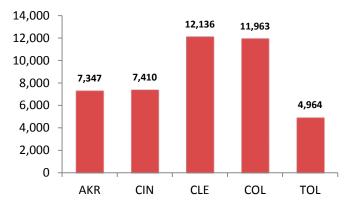
Hearing Administrator Decisions

IC Hearing Administrators perform a variety of functions that facilitate the adjudication process. In addition to processing approximately 24,235 continuance requests during CY 2013, they also processed 14,246 requests to withdraw motions or appeals and cancel scheduled hearings. Additionally, Hearing Administrators made decisions and performed activities in the below categories during CY 2013.

Hearing Administrator Decisions		ARKON	CINCINNATI	CLEVELAND	COLUMBUS	TOLEDO
PTD	ISSUE PTD LETTERS	164	244	316	564	177
PID	PRE-HEARING CONFERENCES	35	36	80	89	8
SUBPOENA	GRANT	64	84	249	98	48
REQUESTS	DENY	22	17	40	39	23
INTERROGATORIES	GRANT	4	8	2	1	1
/DEPOSITIONS	HEARING	0	11	1	5	3
SUSPENSION	GRANT	230	317	312	305	210
REQUESTS	DENY	83	93	225	166	60
	GRANT	9	52	5	94	8
.522/.52 REQUESTS	SET FOR HEARING	87	54	215	85	66

Hearing Administrators also processed requests for extensions related to PTD filings and requests regarding other miscellaneous issues that are not presented above. Statewide, Hearing Administrators made decisions on, or referred to hearing, approximately 43,820 issues during CY 2013. Regional volumes of Hearing Administrator activity are presented in the table to the right. Regionally, Cleveland accounted for 28 percent of all Hearing Administrator activity during CY 2013; Columbus accounted for 27 percent; Akron and Cincinnati each accounted for 17 percent; and Toledo accounted for 11 percent.





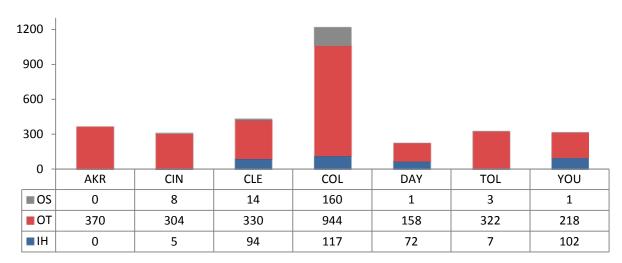


MEDICAL ACTIVITY

Specialist Exams Performed

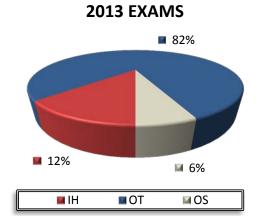
A total of 3,230 specialist exams (including medical reviews) were performed on behalf of the Industrial Commission during CY 2013. The majority of these exams (99%) are related to PTD filings.

Scheduling of exams for Injured Workers residing out-of-state (OS) is performed through the Columbus office. The Akron region does not conduct in-house (IH) exams. Initiatives were implemented in CY 2009 to schedule more out-of-house (OT) exams and distribute the exams more equitably amongst IC certified physicians. The Columbus office performed 38 percent of total exams with 1,221 exams attributed to the region. The Cleveland office accounts for 14 percent; Akron 11 percent; Cincinnati, Toledo, and Youngstown account for 10 percent each; and Dayton accounts for 7 percent.



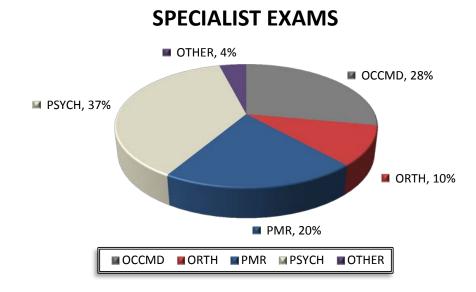
SPECIALIST EXAMS PERFORMED

Approximately 88 percent of all specialist exams and medical reviews were conducted outside of IC facilities during CY 2013.



MEDICAL ACTIVITY

Of medical specialist exams scheduled during CY 2013, Psych specialists account for the largest portion at 1,051 exams, followed by OCCMD specialists at 783 exams, PMR specialists at 569 exams, ORTH specialists at 292 exams, and OTHER at 112 exams.



Cancelation Rates

A total of 3,759 exams were scheduled during CY 2013 – 529 of these exams were rescheduled, canceled, or the injured worker did not show for the exam. The CY 2013 statewide exam cancelation rate (cancel, no show, reschedule) is 14 percent, a decrease of three points from CY 2012.

	IC INDEPENDENT MEDICAL EXAMINATIONS								
District	Performed	Canceled	Rescheduled	No Shows	Scheduled	Cancelation Rate*			
AKR	370	25	26	19	440	16%			
CIN	317	9	27	6	359	12%			
CLE	438	21	30	14	503	13%			
COL	1,221	52	99	44	1,416	14%			
DAY	231	11	37	4	283	18%			
TOL	332	19	31	5	387	14%			
YOU	321	16	26	8	371	13%			
STATEWIDE	3,230	153	276	100	3,759	14%			

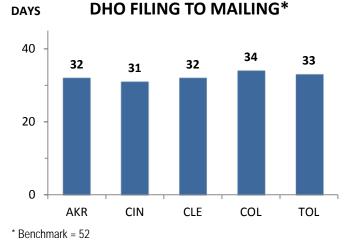
* Exams not performed as scheduled



PERFORMANCE

District Hearing Officer Time Frames

District hearing officers heard a total of 78,691 Allowance docket claims during CY 2013. Of those, 65,823 qualified for inclusion in time studies. On average, all IC offices performed within the statutory and benchmark limits set forth in HB107 and HB413. The IC benchmark is set at 38 days. This performance measure is based on the difference between the two statutory periods *Filing to Hearing* and *Filing to Receipt*, which have statutes of 45 days and 7 days, respectively.

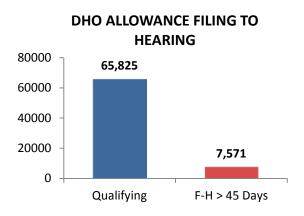


STATEWIDE DHO ALLOWANCE MEDIAN DAYS								
2013	F-R*	R-H	F-H*	H-M*	R-M	F-M		
1ST QTR	1	29	31	3	33	35		
2ND QTR	1	27	28	3	29	31		
3RD QTR	1	27	28	3	30	32		
4TH QTR	1	26	28	3	29	31		
AVG.	1	27	29	3	30	32		

* F-R statute = 7 days; F-H statute = 45 days; H-M statute = 7 days

Non-Compliant Claims

HB413 dictates that an appeal or motion to a DHO must be heard within a 45-day period. This is inclusive of the statutory 7-day period the BWC has to forward the claim data to the IC.



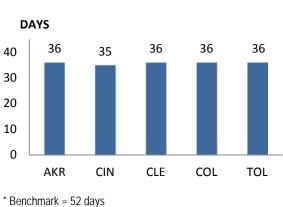
For CY 2013, 7,571 of the qualifying Allowance claims heard or 11.5% were beyond the statutory 45-day *Filing to Hearing* time frame. This reflects a 22% decrease in the volume of non-compliant claims with an improvement of 2.7 percentage points in the rate of non-compliance compared to CY 2012 performance.

During CY 2013 there were 4,646 Allowance claims heard, or 7.1%, that were beyond the 38-day *Receipt to Hearing* benchmark.

PERFORMANCE

Staff Hearing Officer Appeal Time Frames

Staff hearing officers heard a total of 35,809 Appeal docket claims during CY 2013. Of those, 31,363 qualified for inclusion in time studies. On average, all IC offices performed within the statutory and benchmark limits.



SHO APPEAL FILING TO MAILING*

STATEWIDE SHO APPEAL MEDIAN DAYS							
2013	F-H*	H-M*	F-M				
1ST QTR	32	3	36				
2ND QTR	32	3	35				
3RD QTR	33	3	36				
4TH QTR	31	3	35				
AVG	32	3	36				

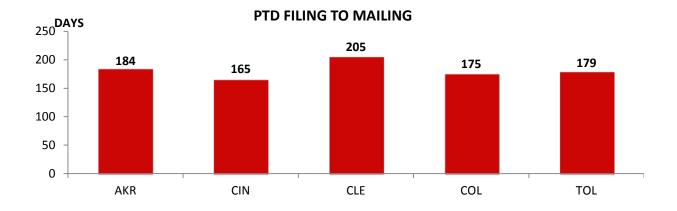
* F-H statute = 45 Days; H-M statute = 7 Days

Permanent Total Disability Time Frames

A total of 1,989 PTD claims were heard during CY 2013. PTD claims gualifying for inclusion in the time studies equaled 1,321 (66%). Only those claims in which a decision is final in nature are calculated. Decisions involving a continuance or referral are not used in the calculation of the performance estimate.

During CY 2013, PTD applications were adjudicated within an average of 181 days (approximately six months) from the application filing date.

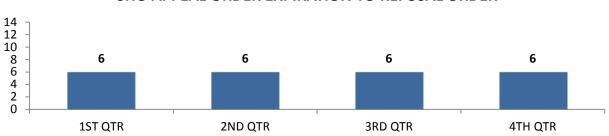
PTD hearings are typically taken under advisement with a final order published at a later date. Statewide, final orders were published within five days of the hearing during CY 2013.



PERFORMANCE

SHO Refusal Order Time Frames

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 date for which an appeal may be filed to an SHO order.



Days

100

SHO APPEAL ORDER EXPIRATION TO REFUSAL ORDER

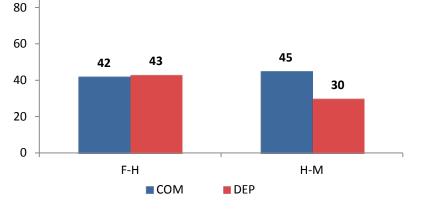
Commission Level Time Frames

For hearings conducted during CY 2013, the combined venue average for the period *Filing to Hearing (F-H)* of an appeal is compliant at 43 days. This is an improvement of one day from the CY 2012 average of 44 days.

The combined venue average for the period *Hearing to Mailing (H-M)* of an appeal is 35 days. This is a decrease of ten days from the CY 2012 average of 45 days.

The combined venue average for the *Filing to Mailing (F-M)* time frame is 77 days, a 12-day improvement from the CY 2012 rate of 89 days.

COMMISSION ACTIVITY



PERFORMANCE

Hearing Spike Analysis

The Hearing Spike Analysis is compiled in conformance with HB413 and IC Resolution R12-1-03. Per this directive, a hearing spike occurs when the volume of claims ready for hearing at the end of any given month exceeds the maximum number of DHO and SHO claims heard by fifteen percent in any of the preceding twelve calendar months.

The diagram depicted to the right presents three key elements:

Baseline Marker (red line):

This floor represents the preceding twelve-month maximum heard total (per the statute) at the end of each respective quarter.

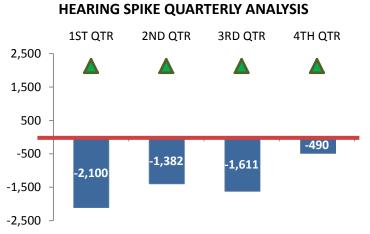
Spike Marker (green triangles):

This ceiling represents the volume of claims above the maximum heard total that would trigger a hearing spike at the end of each quarter.



This data represents the actual volume of claims ready for hearing that were above or below the 12-month maximum heard total at the end of each respective quarter.

The volume for Claims Ready for Hearing at the end of CY 2013 was 13,683 claims. This is 490 claims (four percent) below the maximum heard total and 2,616 claims below the volume that would result in a hearing spike.



STATISTICAL OVERVIEW

BWC New Claims Filed 135,421 139,349 IC Motions/Appeals Filed (first level only) 145,763 150,109 HEARING ACTIVITY Claims Heard 143,442 151,428 DHO Venue 99,923 105,593 SHO Venue 43,135 45,339 COM Venue 384 496
HEARING ACTIVITY Claims Heard 143,442 151,428 DHO Venue 99,923 105,593 SHO Venue 43,135 45,339
Claims Heard143,442151,428DHO Venue99,923105,593SHO Venue43,13545,339
DHO Venue 99,923 105,593 SHO Venue 43,135 45,339
SHO Venue 43,135 45,339
COM Venue 204 406
CON venue 564 496
Claims Heard Per Day (DHO & SHO) 584 614
DHO Heard Per Day 408 429
SHO Heard Per Day176184
Continuances: Prior to Hearing 22,139 21,683
Continuances: At Hearing7,5327,359
MEDICAL ACTIVITY
Specialist Examinations Performed3,2272,560
PERFORMANCE
DHO Allowance Timeframes (F-M) 31 days 39 days
Non-Compliant DHO Claims 7,571 9,755
SHO Appeal Timeframes (F-M)36 days37 days
Commission Appeal Timeframes (F-M) 77 days 89 days
Refusal Orders6 days6 days

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