

PRODUCTION ACTIVITY

Report Compiled by the Office of Management Planning



Ohio Industrial Commission

PRODUCTION ACTIVITY REPORT SUMMARY AND STATISTICAL HIGHLIGHTS

JANUARY 1, 2015 - DECEMBER 31, 2015

I. MOTIONS/APPEALS/INVENTORY

The Industrial Commission (IC) captured 190,465 issues at the **District Hearing Officer (DHO)** and **Staff Hearing Officer (SHO)** levels during calendar year (CY) 2015. The Bureau of Workers' Compensation (BWC) recorded 129,246 new injury, occupational disease, and death claims for state funded and self-insuring employers during 2015. Of these filings, 18,148 (14%) were contested and received by the IC for adjudication.

DHO level issues captured (Allowance and C92) and SHO level issues captured (Appeals, PTD, Recons, VSSR, and Miscellaneous) totaled 132,445 and 58,020, respectively. Commission hearing level appeals totaled 22,006 while Recons totaled 656. *First Level* ICON filings, inclusive of .522/.52 filings and appeals to BWC orders, totaled 57,543. *Second Level* and *Above* ICON filings, inclusive of appeals to DHO and SHO orders, totaled 57,126.

As of December 31, 2015, the IC ending inventory was 18,547 claims at all adjudicatory levels. This is inclusive of claims being processed in the IC medical sections, which totaled 474.

II. ADJUDICATORY ACTIVITY

The IC made approximately 211,458 decisions on issues arising from workers' compensation claims. These decisions incorporate administrative reviews (issues that do not initially require formal adjudication via hearing). The IC heard a total of 129,347 claims during CY 2015 at all adjudicatory levels. The total DHO volume accounts for 70 percent of overall hearings at 90,719 claims heard. Total SHO claims heard are recorded at 38,306 claims. Deputy venue claims heard totaled 143 in CY 2015 while the Commission venue recorded 179 claims heard.

DHO and SHO hearings were conducted on 245 days during CY 2015 at an average of 527 claims heard per day. DHO hearings averaged 370 claims heard per day while SHO hearings averaged 157 claims heard per day. Commission level hearings were scheduled on 56 days during CY 2015.

During CY 2015, self-insuring (SI) risks accounted for 28 percent of all claims heard while non-SI risks accounted for 72 percent of all claims heard.

III. MEDICAL ACTIVITY

The IC currently schedules medical exams in seven districts – Akron, Cincinnati, Cleveland, Columbus, Dayton, Toledo, and Youngstown. A total of 2,662 specialist exams and medical reviews were performed on behalf of the IC during CY 2015. The majority of these exams (99%) were related to PTD filings.

IV. PERFORMANCE

District Hearing Officers heard a total of 71,673 Allowance docket claims during CY 2015. The statewide median for the 45-day *Filing to Hearing* mandate is 32 days, while the statewide median for the seven-day *Hearing to Mailing* mandate is 3 days.

Of the qualifying CY 2015 Allowance docket claims heard, 7,834, or 14 percent were beyond the 45-day *Filing to Hearing* mandate on industry performance.

Staff Hearing Officers heard a total of 32,243 Appeal docket claims during CY 2015. The statewide median for the 45-day *Filing to Hearing* mandate is 33 days, and the statewide median for the seven-day *Hearing to Mailing* mandate is 3 days.

A total of 1,495 PTD claims were heard during CY 2015. PTD applications were adjudicated within an average of 169 days during CY 2015. This reflects a three day decrease from CY 2014. Statewide, final orders were published within five days of the hearing during CY 2015.

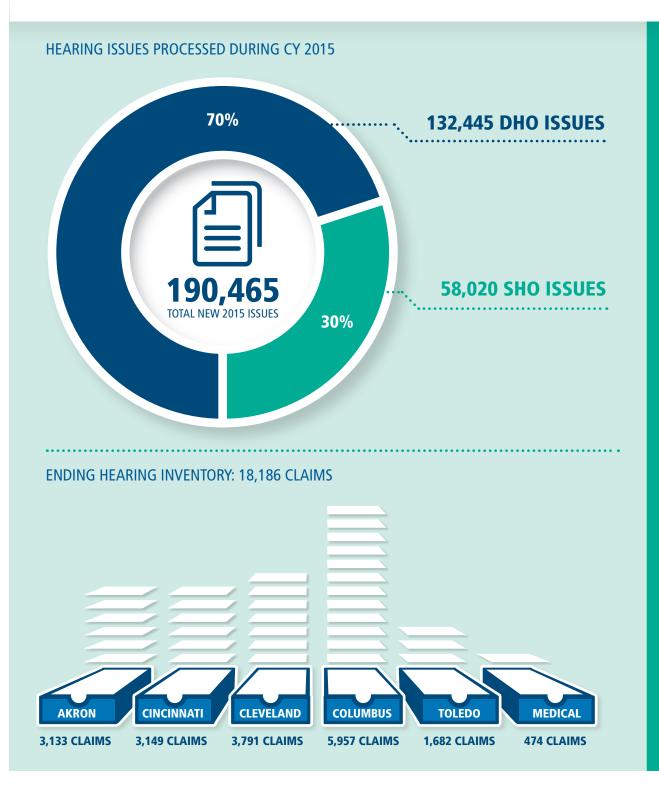
Ohio Revised Code 4123.511 (E) requires the issuance of a refusal order within 14 days of the expiration of the period in which an appeal may be filed to an SHO order. Collectively, IC refusal orders were issued in an average of six days for the respective 14-day statutory period.

For hearings conducted during CY 2015, the combined venue Commission and Deputy average for the period *Filing of Appeal to Hearing Date* is 46 days. This is a one-day increase from the 2014 average of 45 days. The combined venue average for the seven-day *Hearing to Mailing* mandate is 39 days. This is a 12-day decrease from the CY 2014 average of 51 days. The combined venue average for the *Filing of Appeal to Mailing of Order* is 84 days, a 12-day decrease from CY 2014 rate of 96 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 volatile depending on claim flows from the Bureau of Workers' Compensation (BWC), appeal filings, examiner production, docketing volume, and hearing continuances.

BWC NEW CLAIMS FILED

The BWC recorded 129,246 new injury, occupational disease, and death claims during calendar year (CY) 2015. Approximately, 24,353 (19%) of said filings were for self-insuring employers. The approximate breakdown of claim filings by risk type and claim type is provided below.

RISK TYPE	DEATH	LOST TIME	MEDICAL ONLY	OCCUPATIONAL DISEASE	TOTAL
Self-Insured (SI)	70	4,058	20,078	147	24,353
Non-SI	157	3,319	100,924	493	104,893
Total	227	7,377	121,002	640	129,246

Source: BWC Data Warehouse

Approximately 14 percent of all new claims filed were contested in whole or part and forwarded to the IC for adjudication. Original allowance and death allowance issues were captured for 18,148 claims during CY 2015. A majority resulted in Allowance docket hearings.

IC NEW MOTIONS AND APPEALS FILED

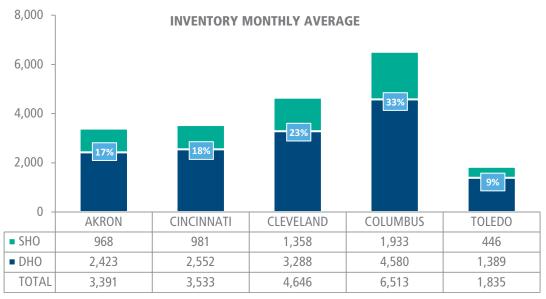
A total of 131,436 new first level motions and appeals were filed during CY 2015 for 84,345 separate claims. A number of claims have multiple issues per motion; however, not all motions or appeals will result in a hearing. Approximately 190,465 issues were captured at the first and second adjudicatory levels during CY 2015. First level ICON filings for CY 2015, inclusive of .522/.52 filings (Requests for Relief) and appeals to BWC orders totaled 57,543. Second level and above filings, inclusive of appeals to District Hearing Officer (DHO) and Staff Hearing Officer (SHO) orders, totaled 57,126. During CY 2015, commission level appeals and reconsiderations filed totaled 22,006 and 656, respectively. Issues tracked for DHO and SHO motion and appeal filings by docket type are itemized as follows:

LEVEL	DOCKET TYPE	VOLUME	PERCENT OF TOTAL*
DHO	ALLOWANCE	111,723	59%
DHO	C92	20,722	11%
	APPEAL	49,720	26%
	MISC	1,637	1%
SHO	PTD	1,900	1%
	RECON	4,140	2%
	VSSR	<1%	
Statewide Total		190,465	





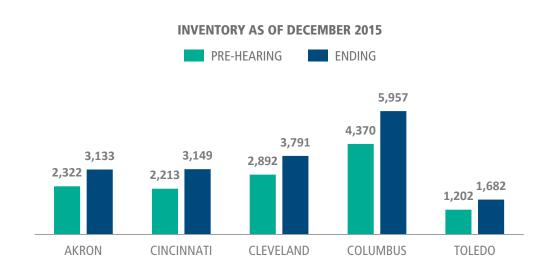
Statewide average monthly DHO and SHO inventory was 19,917 claims for CY 2015.



Percentages reflect regional portions of statewide DHO/SHO inventory

HEARING INVENTORY

As of December 31, 2015, the IC maintained a pre-hearing inventory of 12,999 claims at DHO and SHO levels, accounting for 73% of total hearing ending inventory. The remainder of the inventory constitutes post-hearing claims awaiting an order or under appeal status. Additional claims on-hand in the pre-screening process are not included in the ending and average inventory figures.





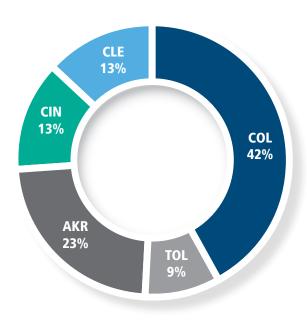
MEDICAL EXAM INVENTORY

The volume of claims within the IC medical section as of December 31, 2015 equaled 474, accounting for three percent of total inventory. The majority of these claims, 99 percent, are processed for PTD related specialist exams. The remaining claims are referred for an exam or medical review of other issues. PTD medical exams are initially scheduled by the Columbus office and are performed in all statewide regions.

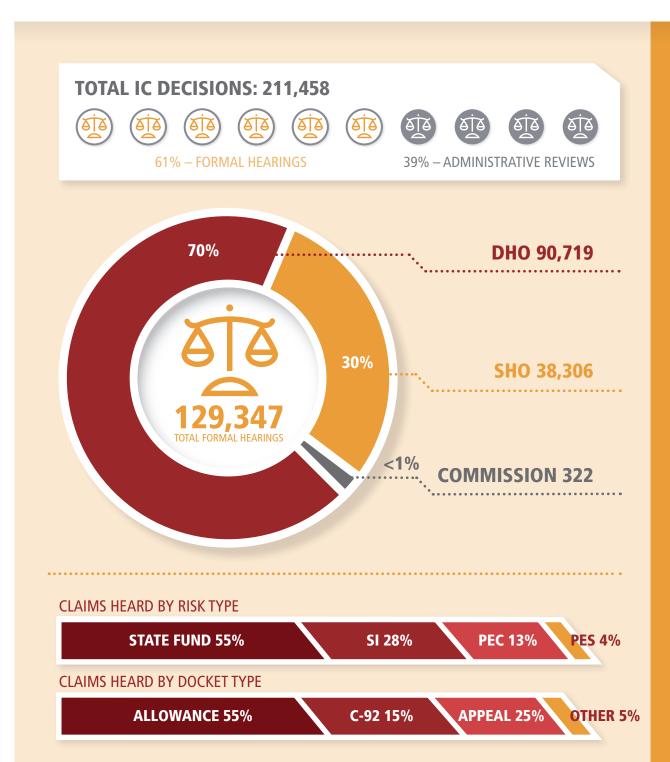
TOTAL ENDING INVENTORY

As of December 31, 2015, statewide hearing and medical inventory totaled 18,186 claims at DHO and SHO adjudicatory levels. Commission Level Hearing (361), Court Unit (6,297), Attorney Fee application (19) inventory volumes, and claims under other administrative review processes are not included in DHO or SHO inventory.

MEDICAL INVENTORY AS OF DECEMBER 2015



ADJUDICATORY ACTIVITY



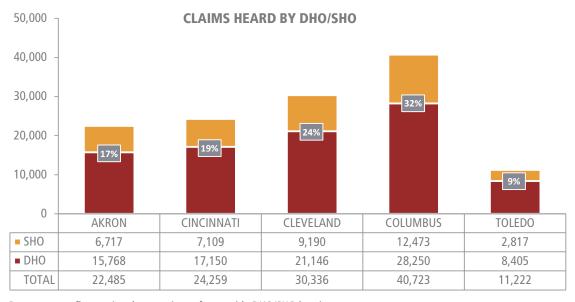


Formal hearings and administrative reviews incorporate the entirety of Industrial Commission adjudicatory activity. In CY 2015, the IC made approximately 211,458 decisions on issues arising from workers' compensation claims.

During CY 2015, the IC performed 82,111 administrative reviews and heard a total of 129,347 claims at all adjudicatory levels. Claims heard include 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 CY 2015 at 90,719 claims heard, while the SHO volume is recorded at 38,306 claims heard. Deputy venue hearings totaled 143 in CY 2015, while the Commission venue recorded 179 claims heard. Total claims heard is inclusive of continuances, referrals, dismissals, and other final determinations made as a result of a hearing. Formal hearing volumes for CY 2015 reflect a one percent decrease from CY 2014 totals.

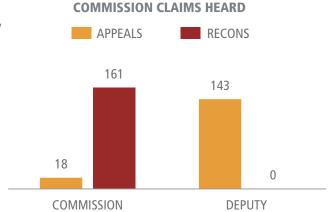


Percentages reflect regional proportions of statewide DHO/SHO hearings

DHO and SHO hearings were conducted on 245 days during CY 2015. A combined average of 527 claims were heard per day at the DHO and SHO levels. District Hearing Officers averaged 370 claims heard per day while Staff Hearing Officers averaged 157 claims heard per day. Commission level hearings were scheduled on 56 days during CY 2015.



Commission venue Appeals and Reconsiderations were scheduled at a rate of three 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 indeterminate.



CLAIMS HEARD BY DOCKET TYPE

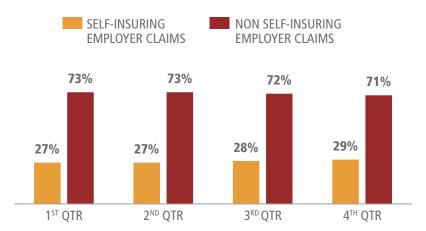
DHO Allowance claims heard account for 55 percent of the statewide total, while DHO C92 claims account for 15 percent. SHO dockets are accounted for as follows: Appeals - 25 percent; Reconsiderations - 3 percent; and PTD - 1 percent. Miscellaneous, VSSR, Deputy, and Commission venue hearings combined for less than one percent of the statewide total.

LEVEL	DOCKET TYPE	AKRON	CINCINNATI	CLEVELAND	COLUMBUS	TOLEDO	TOTAL
	ALLOWANCE	12,265	13,811	15,778	22,901	6,936	71,691
DHO	C-92	3,503	3,339	5,368	5,349	1,469	19,028
	DHO TOTAL	15,768	17,150	21,146	28,250	8,405	90,719
	APPEAL	5,680	6,181	7,685	10,260	2,443	32,249
	PTD	207	234	224	681	160	1,506
CHO	RECON	643	577	1,024	1,279	143	3,666
SHO	VSSR	38	27	20	26	6	117
	MISC	149	90	237	227	65	768
	SHO TOTAL	6,717	7,109	9,190	12,473	2,817	38,306
COM	COMMISSION	-	-	-	179	-	179
COIVI	DEPUTY	13	13	24	88	5	143
REGI	ONAL TOTAL	22,498	24,272	30,360	40,990	11,227	129,347

RISK TYPES

During CY 2015, self-insuring (SI) risks accounted for 28 percent of all claims heard while non-SI risks accounted for 72 percent. Statewide, quarterly non-SI proportions decreased slightly while SI volumes increased as indicated with slight variations by region.

RISK TYPESPERCENTAGE ANALYSIS



HEARINGS HELD BY EMPLOYER GROUP

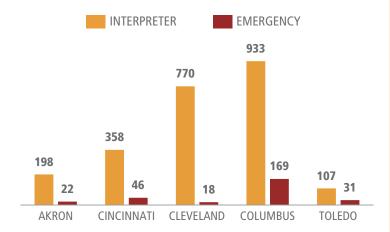
LEVEL	DOCKET TYPE	STATE FUND	SELF INSURING	PUB. EMP. (COUNTY)	PUB. EMP. (STATE)	TOTAL
DIIO	ALLOWANCE	40,941	19,220	8,787	2,739	71,687
DHO	C-92	9,667	4,906	3,493	962	19,028
	APPEAL	17,299	9,633	3,832	1,485	32,249
	PTD	746	113	116	66	1,041
SHO	RECON	1,609	1,262	578	217	3,666
	VSSR	89	25	4	1	119
	MISC	441	230	73	24	768
COM	COMMISSION	76	73	11	10	170
COM	DEPUTY	64	71	9	7	151
EMPL	OYER TOTAL	70,932	35,533	16,903	5,511	128,879

Hearings were conducted for approximately 23,583 different risks during CY 2015. Hearings for claims of private state funded employers accounted for 55 percent of all hearings while SI employers accounted for 28 percent; public county employers accounted for 13 percent; and public state employers' claims accounted for 4 percent.

INTERPRETER AND EMERGENCY HEARINGS

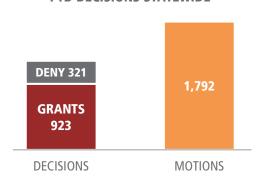
A total of 2,366 hearings were flagged as requiring interpreter services during CY 2015 marking a three percent increase from CY 2014.

A total of 286 emergency hearings were scheduled during CY 2015 - a six percent increase from CY 2014. Emergency hearings are scheduled based on designated docket types per IC rule, circumstantial requests by the respective hearing parties, or other justifiable reasons.



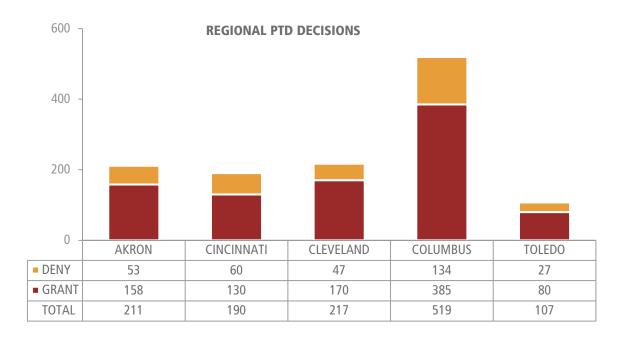
PERMANENT TOTAL DISABILITY DECISIONS





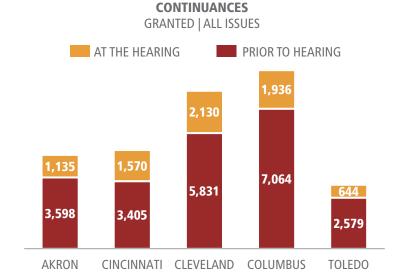
Permanent Total Disability (PTD) motions for CY 2015 totaled 1,792. Of those PTD applications that were either granted or denied during CY 2015, 74% were rendered PTD grants versus 26% PTD denials. Regionally, the respective grant/deny ratios were as follows: Akron - 75%,25%; Cincinnati - 68%, 32%; Cleveland - 78%, 22%; Columbus - 74%, 26%; Toledo - 75%, 25%.

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.



CONTINUANCES

Statewide, the average continuance rates (for all issues) *prior to* and *at* hearing are 17 percent and six percent of claims heard respectively for CY 2015. Continuances granted *prior to* hearing for all issues totaled 22,477 while continuances granted *at* hearing totaled 7,415.



COLUMBUS

TOLEDO

CINCINNATI CLEVELAND

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.

AKRON



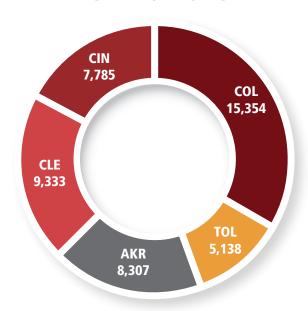
HEARING ADMINISTRATOR DECISIONS

IC Hearing Administrators perform a variety of functions that facilitate the adjudication process. In addition to processing approximately 24,738 continuance requests during CY 2015, they also processed 15,757 requests to withdraw motions or appeals and cancel scheduled hearings. Additionally, Hearing Administrators made decisions and performed activities in the following categories during CY 2015.

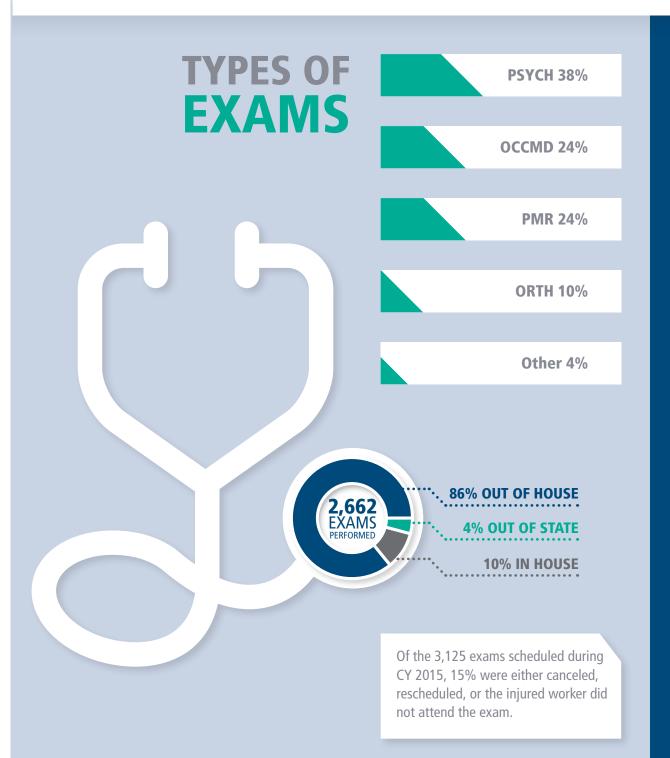
ТҮРІ		AKRON	CINCINNATI	CLEVELAND	COLUMBUS	TOLEDO
DID	LETTERS ISSUED	188	160	141	583	122
PTD	PRE-HEARING	32	33	28	100	14
SUBPOENA	GRANT	99	123	158	164	50
REQUESTS	DENY	32	20	22	69	22
INTERROGATORIES	GRANT	1	10	4	2	2
& DEPOSITIONS	HEARING	0	6	1	8	0
SUSPENSION	GRANT	307	328	216	527	249
REQUESTS	DENY	90	164	219	221	65
.522/.52	GRANT	4	27	6	78	6
REQUESTS	HEARING	110	53	151	88	36
HEARING ADMINIST	TRATOR TOTALS	863	924	946	1,840	566

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 45,917 issues during CY 2015. Regional proportions of statewide Hearing Administrator activity during CY 2015 are as follows: Columbus at 33 percent; Cleveland at 20 percent; Akron at 18 percent; Cincinnati at 17 percent, and Toledo at 11 percent.

HEARING ADMINISTRATOR ACTIVITY



MEDICAL ACTIVITY



SPECIALIST EXAMS

A total of 3,125 specialist exams (including medical reviews) were scheduled on behalf of the Industrial Commission during CY 2015. The majority of these exams are related to PTD filings. Scheduling of exams for Injured Workers residing out-of-state is performed through the Columbus office. The Akron office does not maintain an in-house medical exam room.

A total of 2,662 IC exams were performed during CY 2015 with a majority of exams taking place outside IC offices. The CY 2015 exam volume reflects a seven percent decrease from CY 2014.

SPECIALIST EXAMS PERFORMED BY LOCATION

LOCATION	AKR	CIN	CLE	COL	DAY	TOL	YOU	TOTAL %
OUT OF HOUSE	232	231	270	923	164	216	252	86%
IN HOUSE	0	0	104	96	18	0	46	10%
OUT OF STATE	1	4	13	88	1	1	2	4%
TOTAL	233	235	387	1,107	183	217	300	
% OF TOTAL	9%	9%	15%	42%	7%	8%	11%	

CANCELLATION RATES

The 3,125 exams scheduled during CY 2015 consisted of 463 exams that were rescheduled, canceled, or the injured worker did not show for the exam. The CY 2015 statewide exam cancellation rate (cancel, no show, reschedule) is 15 percent, down two percentage points from CY 2014.

IC INDEPENDENT EXAMINATIONS

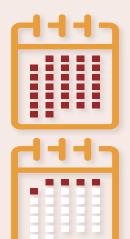
DISTRICT	PERFORMED	CANCELED	RESCHEDULED	NO SHOWS	SCHEDULED	CANCELLATION RATE
AKRON	233	19	15	4	271	14%
CINCINNATI	235	18	15	5	273	14%
CLEVELAND	387	27	24	10	448	14%
COLUMBUS	1,107	62	118	18	1,305	15%
DAYTON	183	28	21	4	236	22%
TOLEDO	217	12	24	2	255	15%
YOUNGSTOWN	300	19	10	8	337	11%
STATEWIDE	2,662	185	227	51	3,125	15%

PERFORMANCE

TIME FRAMES

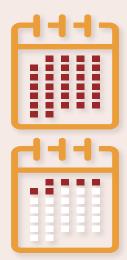
DHO ALLOWANCE:

FILING TO MAILING = 36 DAYS



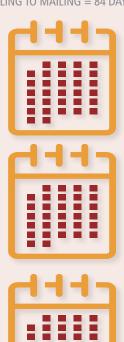
SHO APPEAL:

FILING TO MAILING = 37 DAYS



COM APPEAL:

FILING TO MAILING = 84 DAYS





The benchmark for DHO, SHO, and COM Filing to Mailing timeframes is 52 days: inclusive of the statutory 45 days for Filing to Hearing and 7 days for Hearing to Mailing.

Other statutory and benchmark processes are as follows:

REFUSAL ORDER:

EXPIRATION TO MAILING



PTD:

FILING TO MAILING

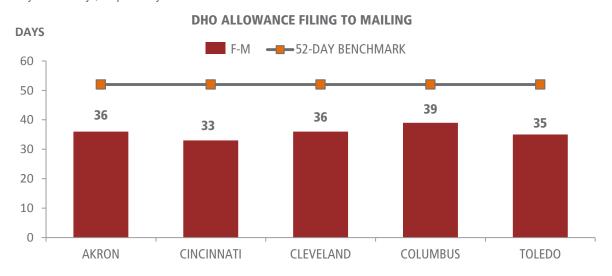


SECTION IV



DISTRICT HEARING OFFICER ALLOWANCE TIME FRAMES

District hearing officers heard a total of 71,673 (at time of report compilation) Allowance docket claims during CY 2015. Of those, 54,291 qualified for inclusion in time studies. On average, all IC offices performed within the statutory limits set forth in R.C. 4123.511. The IC benchmark 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* and *Hearing to Mailing*, which have statutes of 45 days and 7 days, respectively.



2015 STATEWIDE DHO ALLOWANCE AVERAGES

2015 QTR	F-R*	R-H	F-H*	H-M*	R-M	F-M
1 ST	1	41	42	3	44	45
2 ND	1	27	28	3	30	32
3 RD	1	27	28	3	30	32
4 TH	1	28	31	3	33	35
TOTAL	1	31	32	3	34	36

^{*}F-R statute = 7 days; F-H statute = 45 days; H-M statute = 7 days.

NON-COMPLIANT CLAIMS

RC 4123.511(C) 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.

DHO ALLOWANCE FILING TO HEARING



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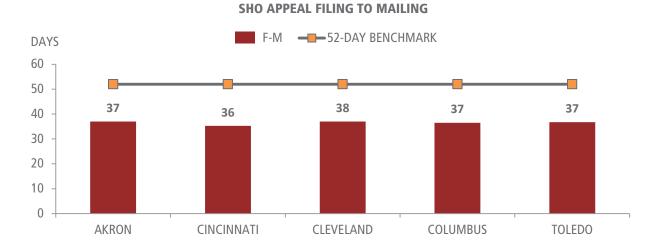


For CY 2015, 7,834 (14%) of the Allowance claims heard were beyond the statutory 45-day *Filing to Hearing* time frame. This reflects an eight percent decrease in the volume of non-compliant claims with an increase of less than one percent in the rate of non-compliance compared to CY 2014 performance.

During CY 2015 there were 5,711 (11%) Allowance claims heard, that were beyond the 38-day *Receipt to Hearing* benchmark.

STAFF HEARING OFFICER APPEAL TIME FRAMES

Staff hearing officers heard a total of 32,243 (at time of report compilation) Appeal docket claims during CY 2015. Of those, 27,138 qualified for inclusion in time studies. On average, all IC offices performed within the statutory and benchmark limits.



2015 STATEWIDE SHO APPEAL AVERAGES

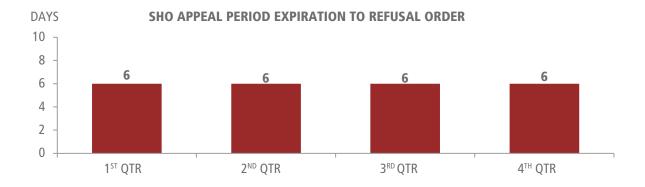
2015 QTR	F-H*	Н-М*	F-M	
1 ST	35	3	39	
2 ND	32	3	36	
3 RD	32	3	36	
4 TH	33	3	36	
TOTAL	33	3	37	

^{*}F-H statute = 45 days; H-M statute = 7 days.



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.

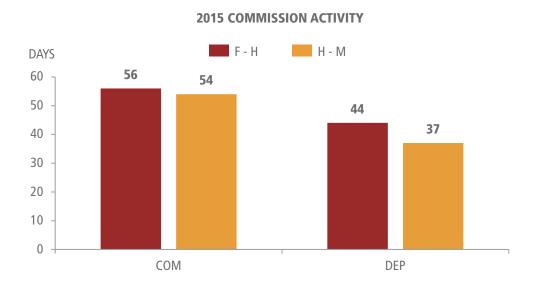


COMMISSION LEVEL TIME FRAMES

For hearings conducted during CY 2015, the combined venue average for the period *Filing to Hearing (F-H)* of an appeal is non-compliant at 46 days. This is a regression of one day from the CY 2014 average.

The combined venue average for the period *Hearing to Mailing (H-M)* of an appeal is 39 days. This is a 12 day improvement from the 51 day average during CY 2014.

The combined venue average for the *Filing to Mailing (F-M)* time frame is 84 days, a 12 day improvement from the 96 day rate for CY 2014.



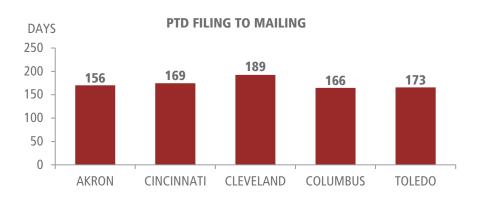
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PERMANENT TOTAL DISABILITY TIME FRAMES

A total of 1,495 PTD claims were heard during CY 2015. PTD claims qualifying for inclusion in the time studies equaled 949 (63%). 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 2015, PTD applications were adjudicated within an average of 169 days from the application filing date, a three day improvement from CY 2014.

PTD hearings are typically taken under advisement with a final order published at a later date. On average, final orders were published within five days of the hearing during CY 2015.



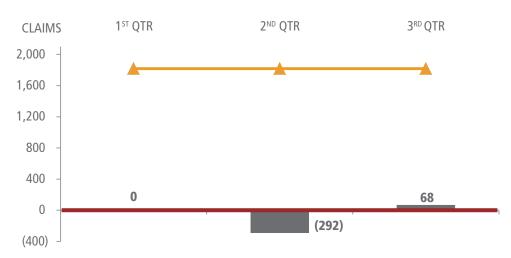


HEARING SPIKE ANALYSIS

The Hearing Spike Analysis was compiled in conformance with Ohio Revised Code 4121.351. Per this section, 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 graph below shows three elements for evaluating spikes.

The directives set forth in ORC 4121.351 were repealed effective September 29, 2015. Therefore the hearing spike performance analysis was discontinued at the conclusion of the third quarter.

HEARING SPIKE QUARTERLY ANALYSIS



Baseline Marker: This floor represents the first three quarters of 2015 maximum heard total (per the statute) at the end of each respective quarter. The maximum heard total equaled 12,122 from January through September 2015.

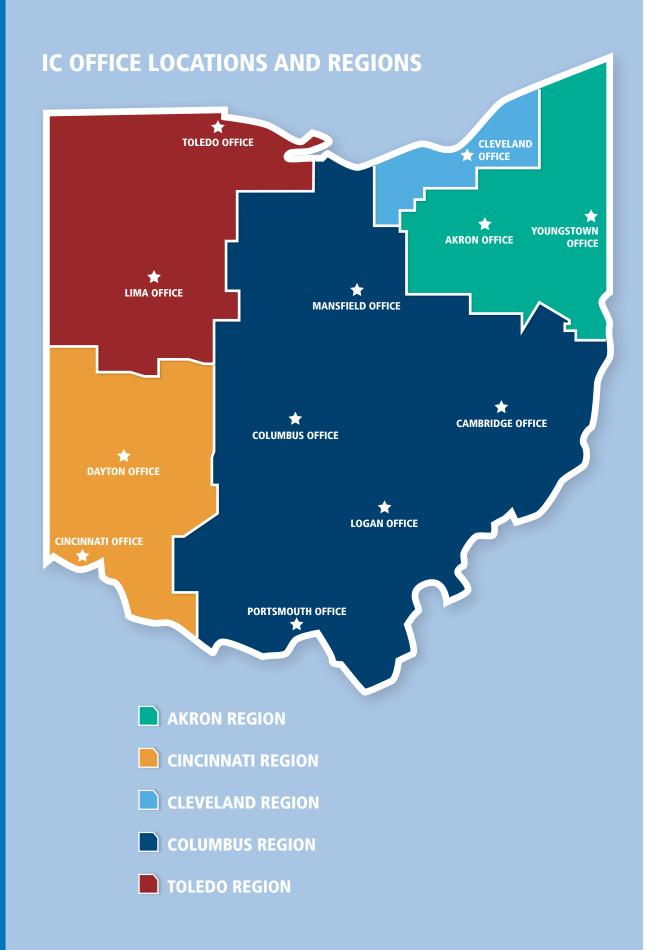
Spike Marker: This ceiling represents the volume of claims above the maximum heard total that would trigger a hearing spike at the end of each quarter. The hearing spike ceiling equaled 1,818 for the first three quarters of 2015.

Inventory Marker: 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.

STATISTICAL OVERVIEW

INVENTORY	2014	2015
BWC New Claims Filed	135,221	129,246
IC Motions/Appeals Filed (first level only)	134,204	131,436
ADJUDICATORY ACTIVITY		
Claims Heard	131,281	129,347
DHO Venue	92,221	90,719
SHO Venue	38,717	38,306
COM Venue	343	322
Claims Heard Per Day (DHO & SHO)	530	527
DHO Heard Per Day	373	370
SHO Heard Per Day	157	157
Continuances: Prior to Hearing	21,613	22,477
Continuances: At Hearing	7,275	7,415
MEDICAL ACTIVITY		
Specialist Examinations Performed	2,867	2,662
PERFORMANCE		
DHO Allowance Timeframes (F-M)	36 days	36 days
Non-Compliant DHO Claims	8,498	7,834
SHO Appeal Timeframes (F-M)	36 days	37 days
Commission Appeal Timeframes (F-M)	93 days	84 days
Refusal Orders	6 days	6 days







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Jodie M. Taylor Member, Industrial Commission

Karen L. Gillmor, Ph.D Member, Industrial Commission

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Rachael Black *Chief Legal Counsel*/Legal Services

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Ohio Industrial Commission