

ANNUAL PRODUCTION ACTIVITY REPORT

Ohio | Industrial Commission

Report Compiled by the Office of Management Planning

Mike DeWine, *Governor* • Jon Husted, *Lt. Governor*

22

SUMMARY AND STATISTICAL HIGHLIGHTS

I. MOTIONS APPEALS/INVENTORY

The Industrial Commission (IC) captured 136,907 issues at the District Hearing Officer (DHO) and Staff Hearing Officer (SHO) levels during calendar year (CY) 2022. The Bureau of Workers' Compensation (BWC) recorded 102,848 new injury, occupational disease, and death claims for state funded and self-insuring employers during 2022. Of these filings, 15,098 (15%) 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 93,711 and 43,196, respectively. Appeals to the Commission hearing level totaled 15,795 while Reconsiderations totaled 409.

As of December 31, 2022, the IC aggregate ending inventory was 15,486 claims at all adjudicatory levels. This is inclusive of claims being processed in the IC medical sections, which totaled 198 .

II. ADJUDICATORY ACTIVITY

The IC made approximately 148,828 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 88,015 claims during CY 2022 at all adjudicatory levels. The total DHO volume accounts for 71 percent of overall hearings at 62,216 claims heard. Total SHO claims heard are recorded at 25,685 claims, 29 percent of overall hearings. Deputy venue claims heard totaled 23 in CY 2022 while the Commission venue recorded 91 claims heard.

DHO and SHO hearings were conducted on 249 days during CY 2022 at an average of 353 claims heard per day. DHO hearings averaged 250 claims heard per day while SHO hearings averaged 103 claims heard per day. Commission level hearings were scheduled on 38 days during CY 2022. During CY 2022, self-insuring (SI) risks accounted for 33 percent of all claims heard while non-SI risks accounted for 67 percent of all claims heard.

III. MEDICAL ACTIVITY

The IC currently schedules medical exams throughout the state of Ohio and in other states where Injured Workers currently reside. A total of 1,165 specialist exams and medical reviews were performed on behalf of the IC during CY 2022. Almost all of these were related to PTD filings.

IV. PERFORMANCE

District Hearing Officers heard a total of 50,336 Allowance docket claims during CY 2022. The statewide median for the 45-day Filing to Hearing mandate is 33 days, while the statewide median for the seven-day Hearing to Mailing mandate is three days.

Of the qualifying CY 2022 Allowance docket claims heard, 3,969, or 11 percent were beyond the 45-day Filing to Hearing mandate on industry performance.

Staff Hearing Officers heard a total of 22,208 Appeal docket claims during CY 2022. The statewide median for the 45-day Filing to Hearing mandate is 35 days, and the statewide median for the seven-day Hearing to Mailing mandate is three days.

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 five days for the respective 14-day statutory period.

For hearings conducted during CY 2022, the combined venue Commission and Deputy average for the period Filing of Appeal to Hearing Date is 42 days. This is a two-day improvement from the CY 2021 average of 44 days. The combined venue average for the seven-day Hearing to Mailing mandate is non-compliant at 22 days. This average has improved by five days compared to CY 2021 performance of 27 days. The combined venue average for the Filing of Appeal to Mailing of Order stands at 64 days (consisting of 61 days for the 3-member Commission venue and 65 days for the Deputy SHO venue). This average is a seven-day improvement from the CY 2021 combined venue average of 71 days (80 days for the 3-member Commission venue and 70 days for the Deputy SHO venue). For CY 2022 hearings, 22 percent of eligible orders met the 52-day categorical benchmark.

A total of 469 PTD claims were heard during CY 2022. PTD applications were adjudicated within an average of 192 days during CY 2022. This reflects a 27-day improvement from CY 2021. Statewide, final orders were published within five days of the hearing during CY 2022.

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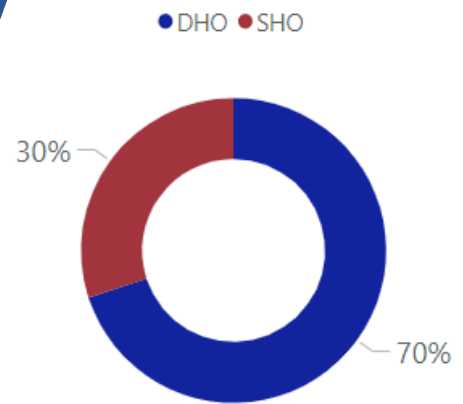
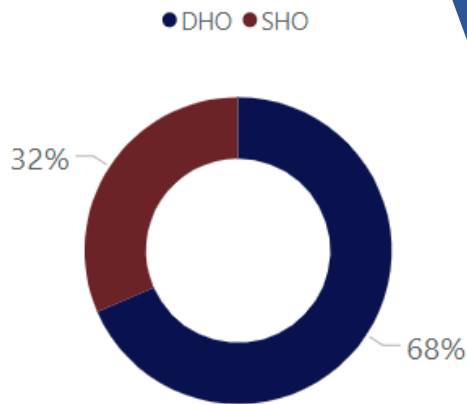
Hearing Inventory

NEW ISSUES CAPTURED

136,907 Total New Issues Captured
(93,711 DHO and 43,196 SHO)

DHO/SHO INVENTORY RATIO

The DHO/SHO aggregate ending hearing inventory as of December 31, 2022 is 15,486 claims. This is inclusive of active IR processes and unassigned claims pending review.



Industrial Commission (IC) workloads and performance are initiated by, and heavily dependent upon the volume of new motion and appeal filings. IC inventory fluctuations can be 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 102,848 new injury, occupational disease, and death claims during CY 2022. Approximately, 22,539 (22 percent) of those filings were for self-insuring employers. The approximate breakdown of claim filings by risk type and claim type is provided below.

BWC NEW CLAIM FILINGS BY RISK TYPE

RISK TYPE	DEATH	LOST TIME	MEDICAL ONLY	OCCUPATIONAL DISEASE	TOTAL
Self-Insured (SI)	93	3,879	18,354	213	22,539
Non-SI	243	13,606	65,291	1,169	80,309
TOTAL	336	17,485	83,645	1,382	102,848

Source: BWC Data Warehouse

Approximately 15 percent of all new claims filed were contested in whole or part and forwarded to the IC for adjudication. Original allowance (Lost Time, Medical Only, Occupational Disease) and death allowance issues were captured for 15,098 claims during CY 2022. A majority resulted in Allowance docket hearings.

IC NEW MOTIONS AND APPEALS FILED

A total of 89,270 new first level motions and appeals were filed during CY 2022 for 57,008 separate claims. A number of claims have multiple issues per motion; however, not all motions or appeals resulted in a hearing. Approximately 136,907 issues were captured at the first and second adjudicatory levels during CY 2022. During CY 2022, commission level appeals and reconsiderations filed totaled 15,795 and 409 respectively. Issues tracked for DHO and SHO motion and appeal filings by docket type are itemized as follows:

DHO AND SHO MOTION AND APPEAL FILINGS BY DOCKET TYPE

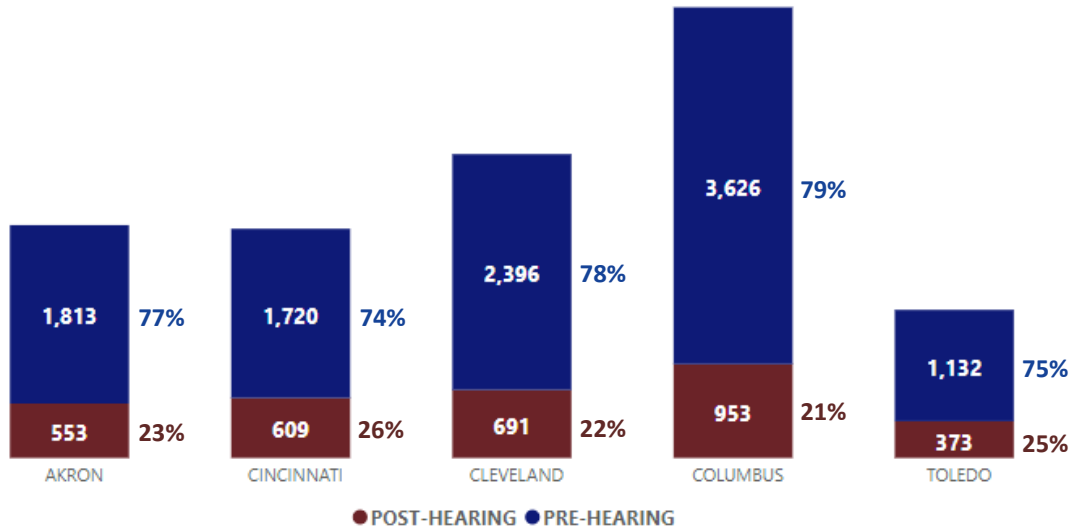
LEVEL	DOCKET TYPE	VOLUME	PERCENT OF TOTAL*
DHO	ALLOWANCE	81,227	59%
	C-92	12,484	9%
SHO	APPEAL	37,312	27%
	MISC	1,452	1%
	PTD	894	<1%
	RECON	2,700	2%
	VSSR	838	<1%
STATEWIDE TOTAL		136,907	

*Figures are rounded

HEARING INVENTORY

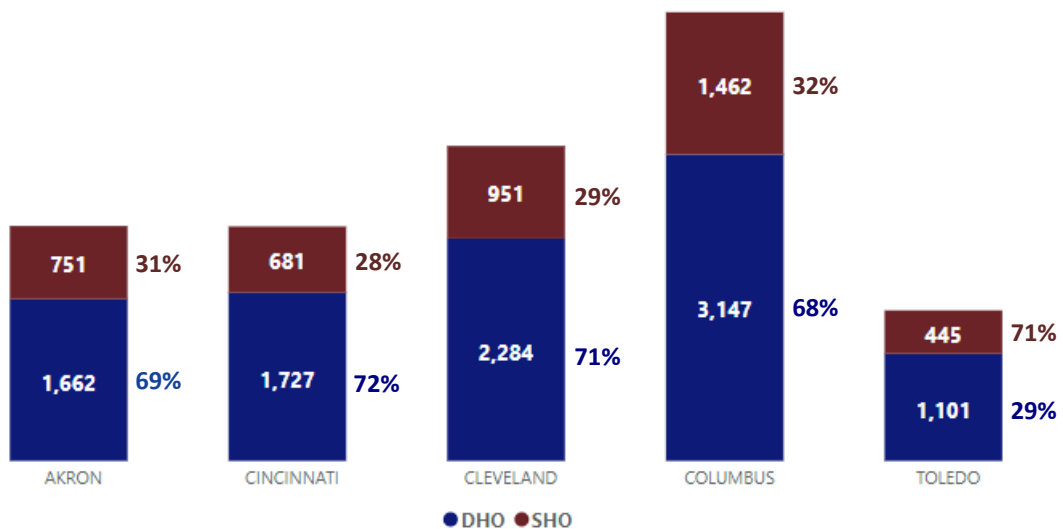
As of December 31, 2022, the IC maintained a pre-hearing inventory level of 10,687 claims at DHO and SHO levels and 1,640 claims in the pre-screening process, accounting for 80% of total aggregate ending inventory. The remainder of the inventory constitutes post-hearing claims awaiting an order or under appeal status.

IC INVENTORY: DECEMBER 31, 2022



Statewide average monthly DHO and SHO combined inventory was 14,211 claims for CY 2022.

IC INVENTORY: MONTHLY AVERAGE

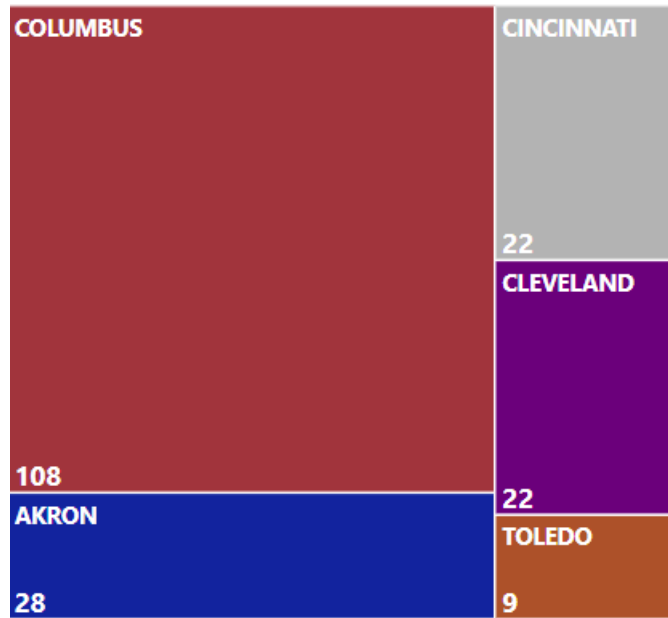


*Excludes claims in pre-screening process

MEDICAL EXAM INVENTORY

The volume of claims within the IC medical section as of December 31, 2022 equaled 189 claims, accounting for one percent of total inventory. Most of these claims are in process for PTD related specialist exams. While PTD medical exams are conducted throughout the state, the scheduling and report processing are conducted in the Columbus office.

MEDICAL INVENTORY: DECEMBER 31, 2022

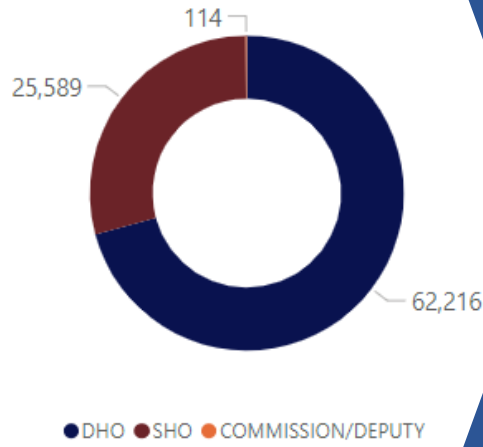


TOTAL ENDING INVENTORY

As of December 31, 2022, statewide aggregate hearing and medical inventory totaled 15,486 claims at DHO and SHO adjudicatory levels. Commission Level Hearings (76), Court Unit (5,659), Attorney Fee applications (11) inventory volumes, and claims under other administrative review processes are not included in DHO or SHO inventories.

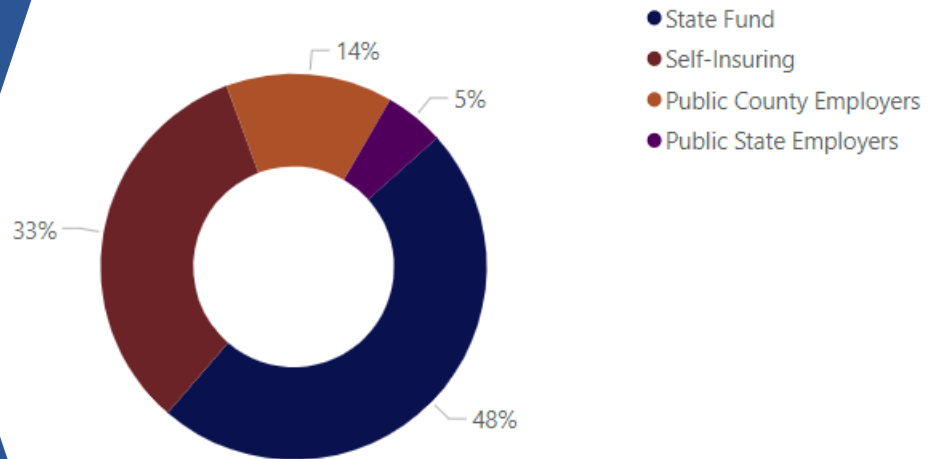
Adjudicatory Activity

FORMAL HEARINGS

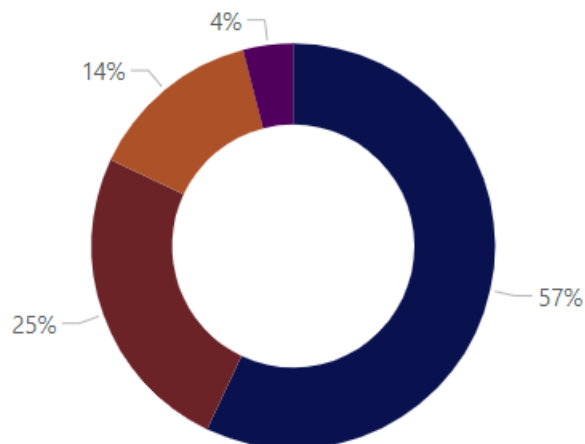


During CY 2022, the IC held a total of 87,919 hearings at all adjudicatory levels. Formal hearings includes hearings at the DHO, SHO, Deputy, and Commission (COM) venues.

DHO LEVEL: 62,216 / 71%
SHO LEVEL: 25,589 / 29%
COMMISSION/DEPUTY: 114 / <1%*



- Allowance
- Appeal
- C-92
- Other



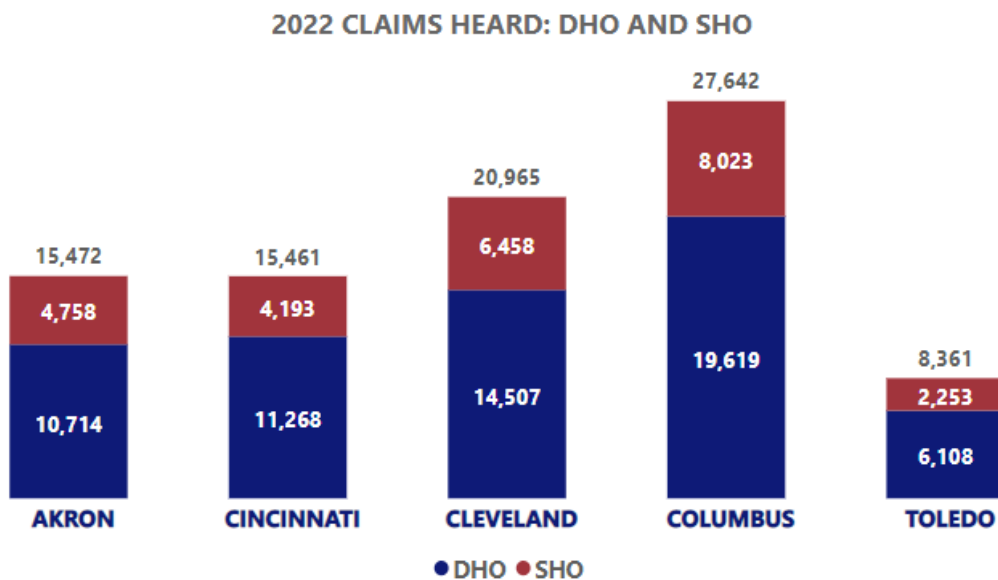
Formal hearings and administrative reviews constitute the majority of Industrial Commission adjudicatory activity. In CY 2022, the IC made approximately 148,828 decisions on issues arising from workers' compensation claims.

ADMINISTRATIVE REVIEWS

Administrative reviews incorporate issues that do not 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 normal adjudicatory processes and are reflected under respective hearing venues. During CY 2022, the IC conducted 32,074 administrative reviews.

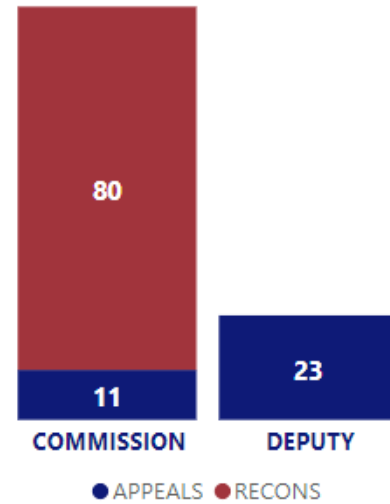
CLAIMS HEARD

Claims heard includes hearings at the DHO, SHO, Deputy, and Commission venues. The total DHO hearing volume accounted for 71 percent of the overall hearing activity during CY 2022 at 62,216 claims heard, while the SHO volume is recorded at 25,685 claims heard. Deputy venue hearings totaled 23 in CY 2022, while the Commission venue recorded 91 claims heard. The IC heard a total of 88,015 claims at all adjudicatory levels. Total claims heard may include continuances, referrals, dismissals, or other final determinations made as a result of a hearing.



DHO and SHO hearings were conducted on 249 days during CY 2022. A combined average of 353 claims were heard per day at the DHO and SHO levels. District Hearing Officers averaged 250 claims heard per day while Staff Hearing Officers averaged 103 claims heard per day. Commission level hearings were scheduled on 38 days during CY 2022. Commission venue Appeals and Reconsiderations were scheduled at a rate of two 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.

2022 COMMISSION CLAIMS HEARD



CLAIMS HEARD BY DOCKET TYPE

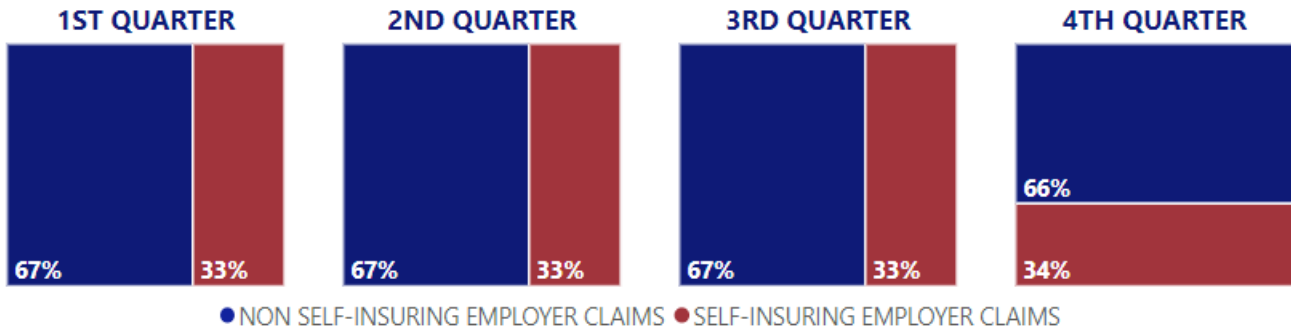
DHO Allowance claims heard account for 57 percent of the statewide total, while DHO C-92 claims account for 13 percent. SHO dockets are accounted for as follows: Appeals - 25 percent; Reconsiderations - 3 percent; and PTD < 1 percent. Miscellaneous, VSSR, Deputy, and Commission venue hearings combined for less than one percent of the statewide total.

LEVEL	DOCKET TYPE	AKRON	CINCINNATI	CLEVELAND	COLUMBUS	TOLEDO	TOTAL
DHO	ALLOWANCE	8,751	9,138	11,411	15,913	5,131	50,344
	C-92	1,963	2,130	3,096	3,705	977	11,871
	DHO TOTAL	10,714	11,268	14,507	19,618	6,108	62,215
SHO	APPEAL	4,069	3,718	5,611	6,812	1,998	22,208
	PTD	77	75	72	191	54	469
	RECON	514	310	635	823	147	2,429
	VSSR	26	16	19	30	11	102
	MISC	73	74	121	167	43	478
	SHO TOTAL	4,759	4,193	6,458	8,023	2,253	25,686
COM	COMMISSION	0	0	0	91	0	91
	DEP	2	0	4	17	0	23
	COM TOTAL	2	0	4	108	0	114
REGIONAL TOTAL		15,475	15,461	20,969	27,749	8,361	88,015

CLAIMS HEARD BY RISK TYPE

During CY 2022, self-insuring (SI) risks accounted for 33 percent of all claims heard while non-SI risks accounted for 67 percent. Statewide, quarterly ratios remained relatively steady throughout the year with slight variations by region.

RISK TYPE CLAIMS HEARD 2022 PECENTAGE ANALYSIS



HEARINGS HELD BY EMPLOYER GROUP

LEVEL	DOCKET TYPE	STATE FUND	SELF INSURING	PUB. EMP. (COUNTY)	PUB. EMP. (STATE)	TOTAL
DHO	ALLOWANCE	25,019	16,859	6,530	1,937	50,345
	C-92	5,545	3,287	2,341	698	11,871
	DHO TOTAL	30,564	20,146	8,871	2,635	62,216
SHO	APPEAL	10,416	7,687	2,858	1,247	22,208
	RECON	907	905	454	163	2,429
	MISC	263	147	48	20	478
	VSSR	68	27	4	2	101
	PTD	248	43	55	27	373
	SHO TOTAL	11,902	8,809	3,419	1,459	25,589
COM	COMMISSION	42	38	6	5	91
	DEP	6	5	3	9	23
	COM TOTAL	48	43	9	14	114
REGIONAL TOTAL		42,514	28,998	12,299	4,108	87,919

Hearings were conducted for approximately 16,304 different risks during CY 2022. Hearings for claims of private state funded employers accounted for 48 percent of all hearings while SI employers accounted for 33 percent; public county employers accounted for 14 percent; and public state employers' claims accounted for five percent.

INTERPRETER AND EMERGENCY HEARINGS

A total of 2,211 hearings were flagged as requiring interpreter services during CY 2022, marking a decrease of 15 percentage points from CY 2021.

A total of 101 emergency hearings were scheduled during CY 2022. Emergency hearings are scheduled based on designated docket types per IC rule, circumstantial requests by the respective hearing parties, or other justifiable reasons.

REGION	INTERPRETER	EMERGENCY
AKRON	163	5
CINCINNATI	357	24
CLEVELAND	732	12
COLUMBUS	876	55
TOLEDO	83	5
STATEWIDE	2,211	101

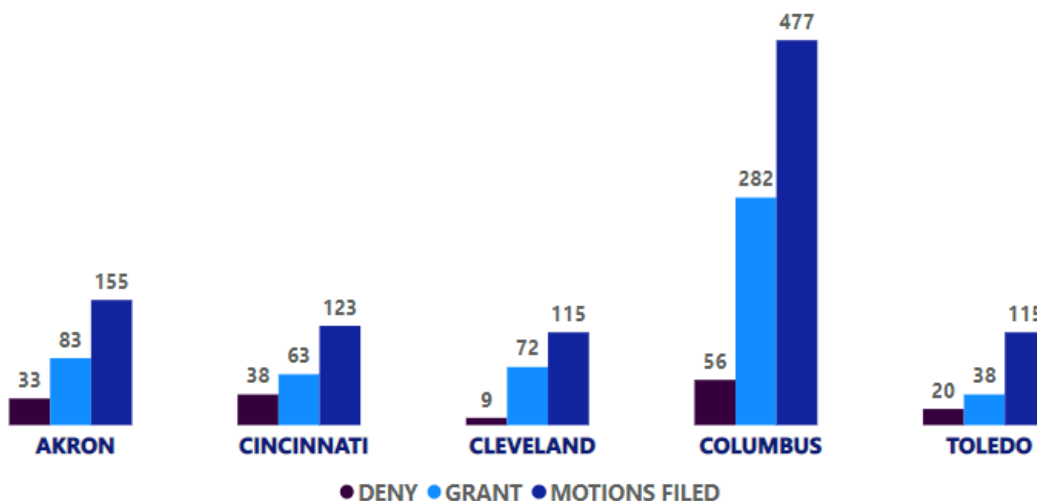
PERMANENT TOTAL DISABILITY DECISIONS

Permanent Total Disability (PTD) motions captured for CY 2022 totaled 778. Of those PTD applications that were either granted or denied during CY 2022, 81% were rendered PTD grants versus 19% PTD denials.

Regionally, the respective grant/deny ratios were as follows: Akron - 84%, 16%; Cincinnati - 72%, 28%; Cleveland - 83%, 17%; Columbus - 81%, 19%; Toledo - 82%, 18%.

Given processing times for PTD applications, there is not always a direct correlation between motion filings 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.

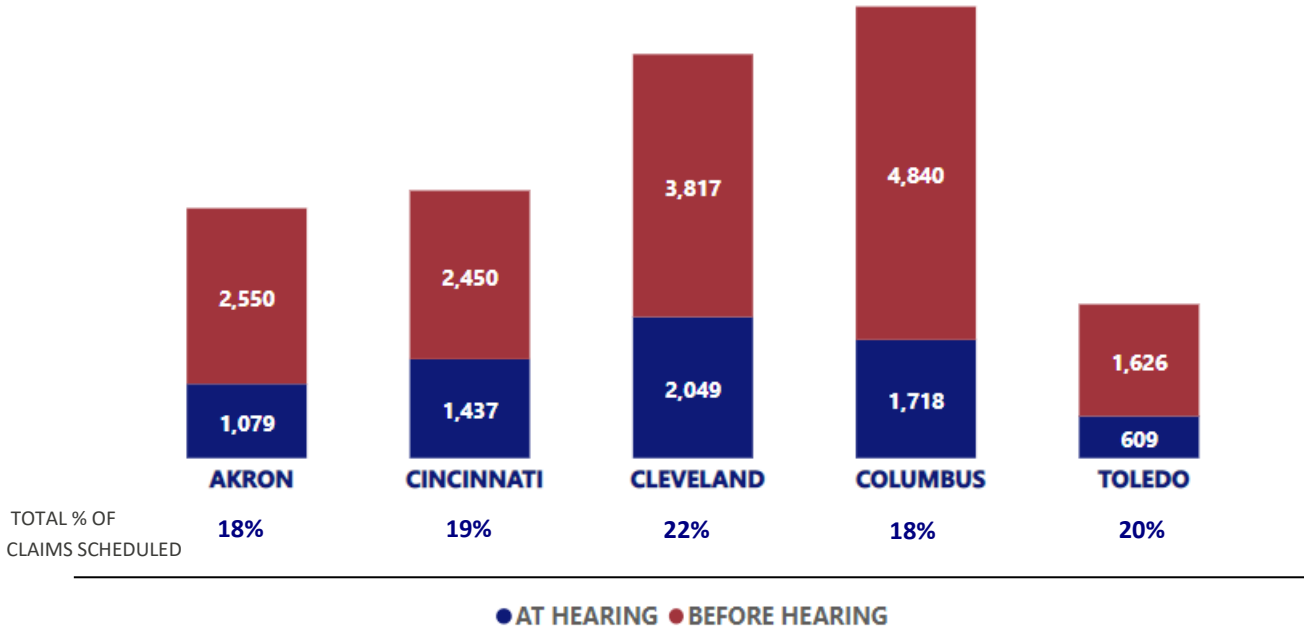
REGIONAL PTD DECISIONS



CONTINUANCES

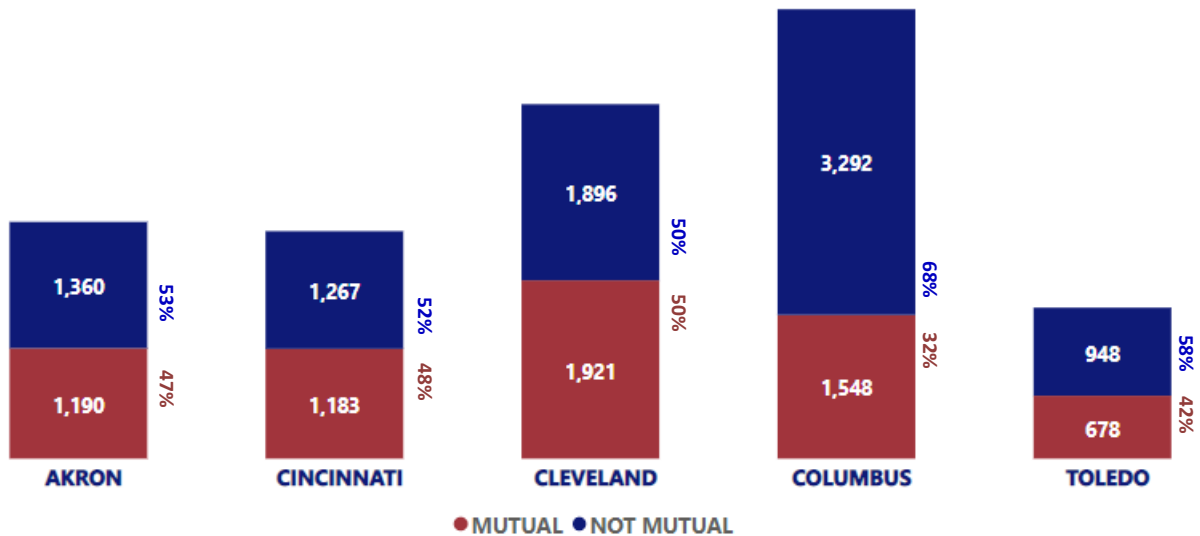
Statewide, the average continuance rates (for all issues) prior to and at hearing are 13 percent and 6 percent of claims scheduled, respectively, for CY 2022. Continuances granted prior to hearing for all issues totaled 15,283 while continuances granted at hearing totaled 6,892. The aggregate continuance rate for all issues is 19 percent for CY 2022.

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

CONTINUANCE AGREEMENT: ALL ISSUES PRIOR TO HEARING



HEARING ADMINISTRATOR DECISIONS

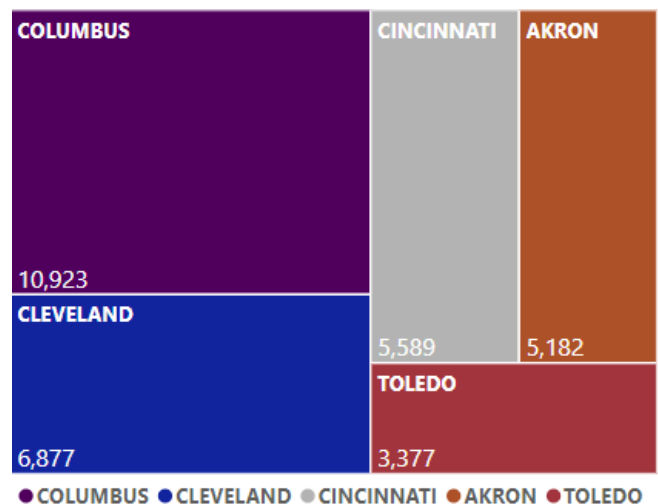
IC Hearing Administrators perform a variety of functions that facilitate the adjudication process. In addition to processing approximately 16,954 continuance requests during CY 2022, they also processed 11,915 requests to cancel scheduled hearings. Additionally, Hearing Administrators made decisions and performed activities in the following categories during CY 2022.

TYPE		AKRON	CINCINNATI	CLEVELAND	COLUMBUS	TOLEDO
PTD	LETTERS ISSUED	57	71	61	207	53
	PRE-HEARING	13	46	26	84	16
EMERGENCY HEARINGS	GRANT	5	24	12	55	5
SUBPOENA REQUESTS	GRANT	36	79	31	94	19
	DENY	39	22	29	41	13
INTERROGATORIES & DEPOSITIONS	GRANT	0	0	0	4	0
	HEARING	0	1	3	2	2
SUSPENSION REQUESTS	GRANT	165	203	139	398	191
	DENY	73	86	121	155	47
.522/.52 REQUESTS	GRANT	1	9	7	26	1
	HEARING	50	56	80	89	32
HEARING ADMINISTRATOR TOTAL		439	597	509	1,155	379

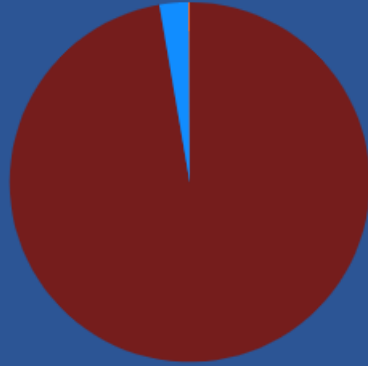
HEARIN ADMINISTRATOR ACTIVITY BY REGION

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 31,948 issues during CY 2022. Regional proportions of statewide Hearing Administrator activity during CY 2022 are as follows: Columbus at 34 percent; Cleveland at 22 percent; Cincinnati at 17 percent; Akron at 16 percent; and Toledo at 11 percent.



MEDICAL ACTIVITY



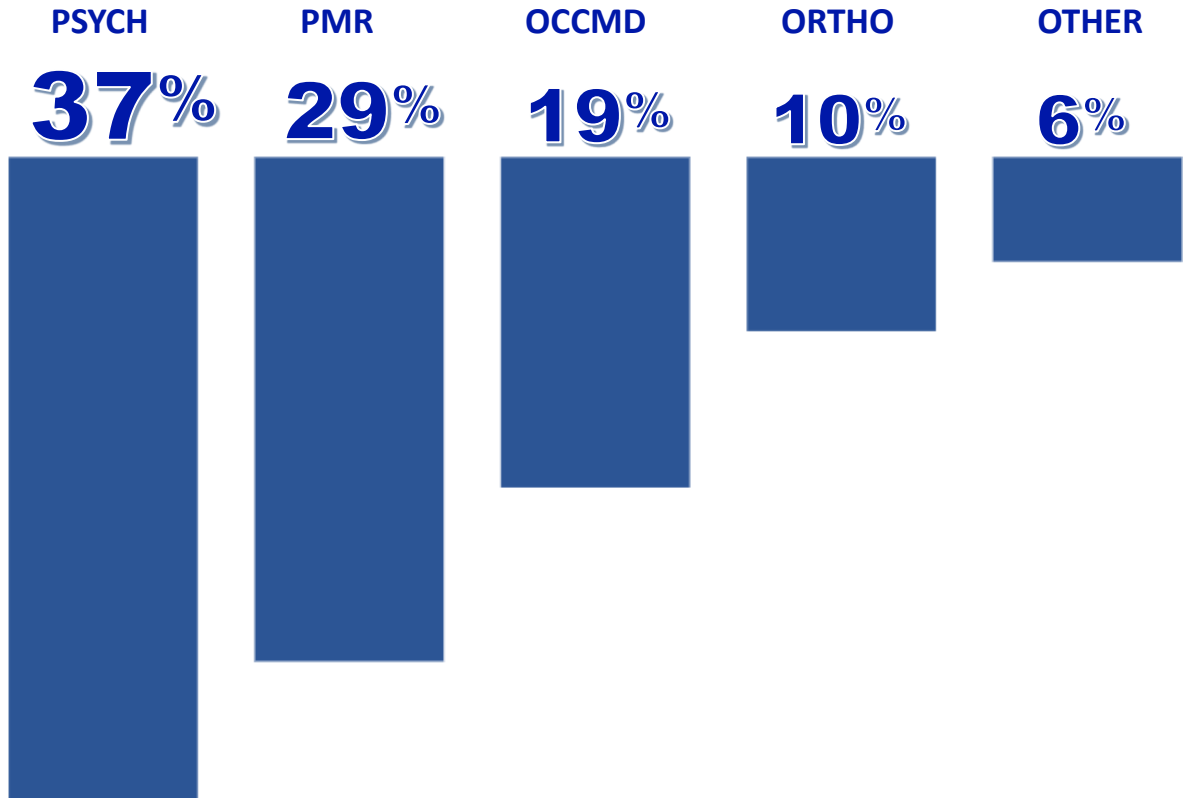
● Out of House ● Out of State ● In House

MEDICAL EXAMS

1,165 Performed Medical Exams

Of the 1,458 exams scheduled during CY 2022, 20% were either canceled, rescheduled, or the injured worker did not appear for the exam.

TYPE OF EXAMS



SPECIALIST EXAMS

A total of 1,458 specialist exams, including 20 file reviews, were scheduled on behalf of the Industrial Commission during CY 2022. The majority of these exams are related to PTD filings. Scheduling of exams is performed through the Columbus office. As of CY 2022, the Industrial Commission no longer schedules in-house medical exams.

A total of 1,165 IC exams were performed during CY 2022, reflecting a 31% percent decrease in exams performed from CY 2021.

SPECIALIST EXAMS PERFORMED BY LOCATION

LOCATION	AKR	CIN	CLE	COL	DAY	TOL	YOU	TOTAL %
OUT OF HOUSE	153	65	191	449	86	97	93	97%
IN HOUSE	0	0	0	1	0	0	0	<1%
OUT OF STATE	0	0	0	30	0	0	0	3%
TOTAL	153	65	191	480	86	97	93	
% OF OVERALL TOTAL	13%	6%	16%	41%	7%	8%	8%	

**The sum of the percentages may not equal 100% due to rounding.*

EXAM CANCELLATION RATES

The 1,458 specialist exams scheduled during CY 2022 included 293 exams that were rescheduled, canceled, or the injured worker did not show for the exam. The CY 2022 statewide exam cancellation rate (cancel, no show, reschedule) is 20 percent.

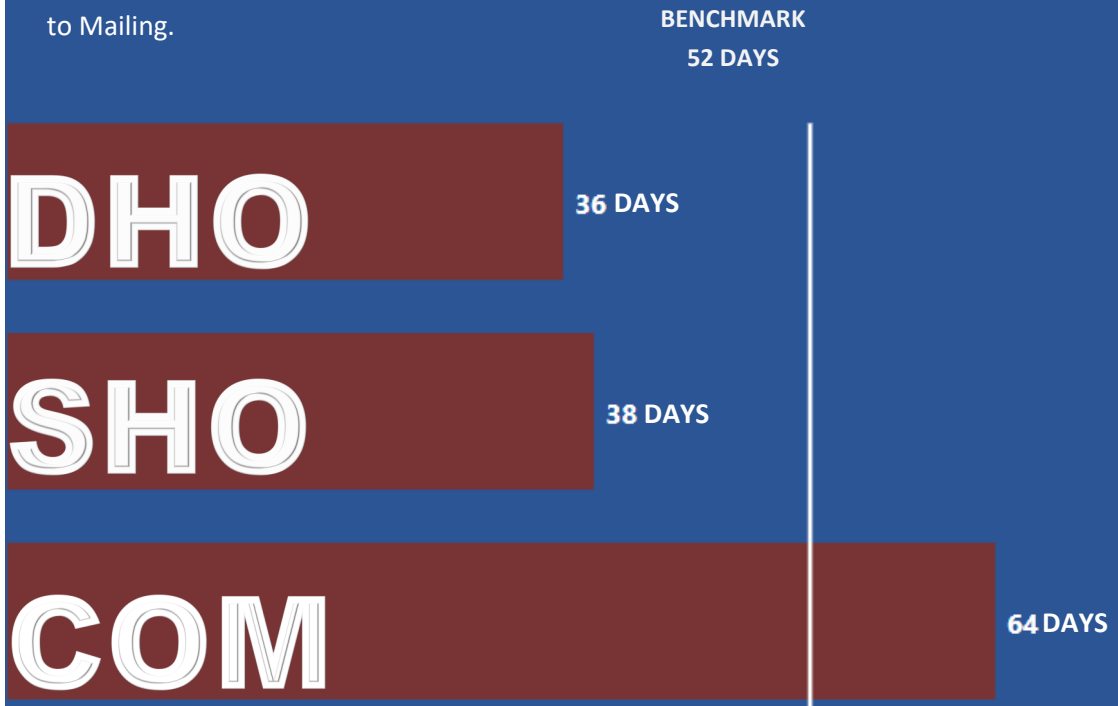
IC SPECIALIST EXAMS

DISTRICT	PERFORMED	CANCELED	RESCHEDULED	NO SHOWS	SCHEDULED	CANCELLATION
AKRON	153	14	20	2	189	19%
CINCINNATI	65	5	10	0	80	19%
CLEVELAND	191	18	20	5	234	18%
COLUMBUS	480	28	76	17	601	20%
DAYTON	86	11	15	5	117	26%
TOLEDO	97	4	19	2	122	20%
YOUNGSTOWN	93	7	14	1	115	19%
STATEWIDE	1,165	87	174	32	1,458	20%

ADMINISTRATIVE PERFORMANCE

TIME FRAMES

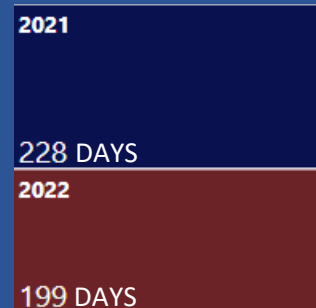
The benchmark for DHO, SHO, and COM Filing to Mailing timeframes is 52 days: inclusive of the statutory 45 days for Filing to Hearing and 7 days for Hearing to Mailing.



OTHER STATUTORY AND BENCHMARK PROCESSES ARE AS FOLLOWS:

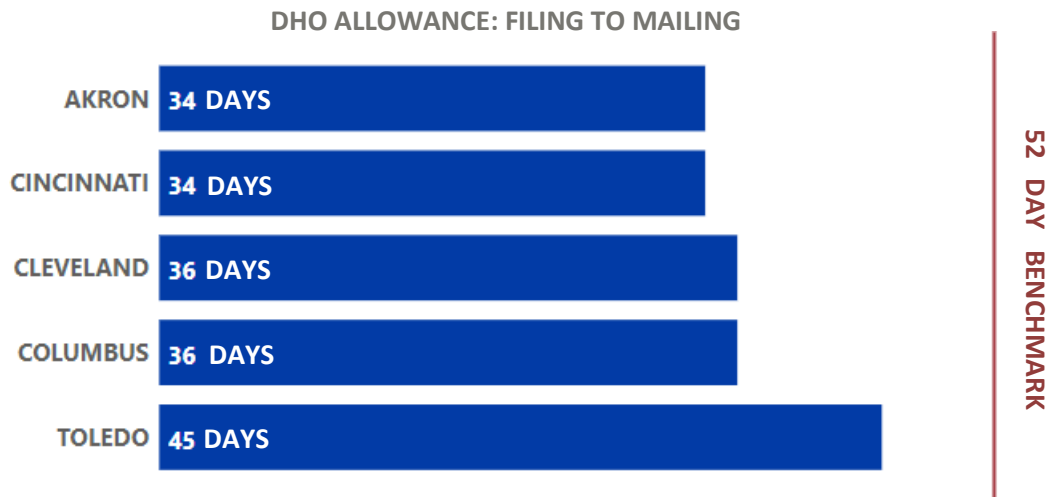
REFUSAL ORDER: EXPIRATION TO MAILING
IC averaged a 5 out of 14 days allowed.

PTD: FILING TO MAILING
IC averaged 199 days in 2022.



DISTRICT HEARING OFFICER ALLOWANCE TIME FRAMES

District hearing officers heard a total of 50,336 Allowance docket claims during CY 2022. Of those, 35,489 (71%) qualified for inclusion in time studies. 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 (7days).



2022 STATEWIDE DHO ALLOWANCE AVERAGE

QUARTER	F-R*	R-H	F-H*	H-M*	R-M	F-M
1 ST	0	31	33	3	35	36
2 ND	0	28	30	3	32	34
3 RD	0	33	34	3	36	37
4 TH	0	30	32	3	34	36
AVERAGE	0	31	32	3	34	36

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

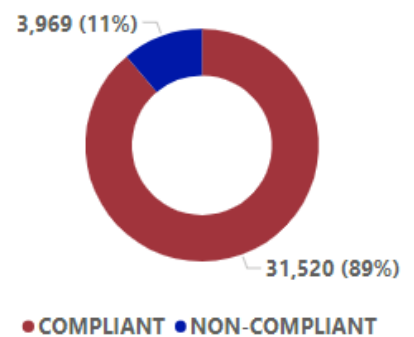
NON-COMPLIANT CLAIMS

R.C. 4123.511(C) dictates that an appeal or motion must be heard by a district hearing officer 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 in accordance with R.C. 4123.511(B)(3).

Of the qualifying 2022 Allowance docket claims heard, 3,969 claims or 11% were beyond the statutory 45-day Filing Date to Hearing Date time frame. The rate of non-compliance is improved by 43 points from CY 2021. Comparatively, the average from CY 2017 to CY 2019 is 14%.

DHO ALLOWANCE FILING TO HEARING

35,489 QUALIFYING RECORDS



STAFF HEARING OFFICER APPEAL TIME FRAMES

Staff hearing officers heard a total of 22,208 Appeal docket claims during CY 2022. Of those, 18,986 qualified for inclusion in time studies.

SHO APPEAL: FILING TO MAILING



2022 STATEWIDE SHO APPEAL AVERAGE

QUARTER	FILING TO HEARING*	HEARING TO MAILING*	FILING TO MAILING
1 ST	35	3	38
2 ND	35	3	37
3 RD	36	3	40
4 TH	34	3	37
AVERAGE	35	3	38

*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 R.C. 4123.511(E), 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.

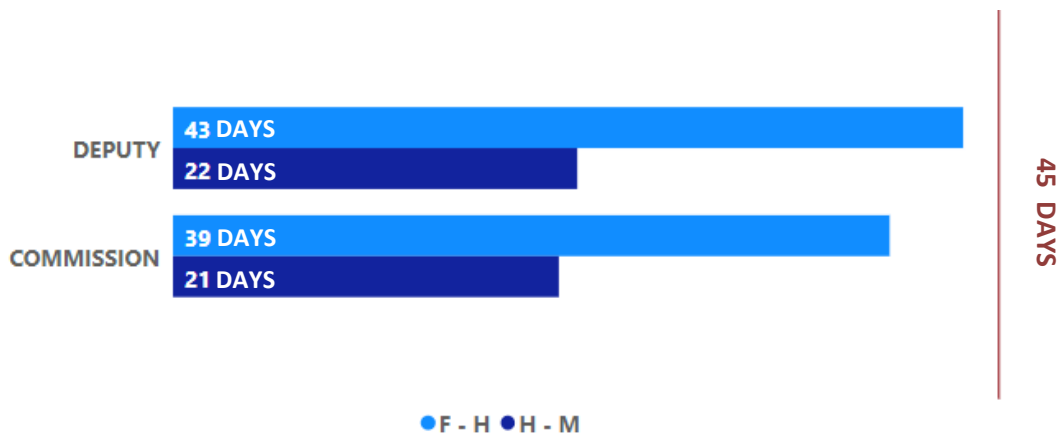
SHO APPEAL ORDER EXPIRATION TO REFUSAL ORDER



COMMISSION LEVEL TIME FRAMES

For hearings conducted during CY 2022, the combined venue average for the statutory 45-day period Filing to Hearing (F-H) of an appeal is compliant at 42 days. This is an improvement of two days from the CY 2021 average.

SHO APPEAL: ORDER EXPIRATION TO REFUSAL ORDER



The combined venue average for the statutory 7-day period Hearing to Mailing (H-M) of an appeal is 22 days. This is a five-day improvement from the 27-day average during CY 2021.

The combined venue average for the Filing to Mailing (F-M) time frame is 64 days which is a seven-day improvement from CY 2021.

PERMANENT TOTAL DISABILITY TIME FRAMES

A total of 469 PTD claims were heard during CY 2022. PTD claims qualifying for inclusion in the time studies equaled 323 (69%). Only those claims in which a decision is final in nature are included. Decisions involving a continuance, cancellation, or referral are not used in the calculation of the performance estimate.

During CY 2022, PTD applications were adjudicated within an average of 192 days (approximately six months) from the application filing date, a 27-day improvement from CY 20201.

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 2022.

PTD FILING TO MAILING



STATISTICAL OVERVIEW

INVENTORY	2021	2022
BWC New Claims Filed	101,448	102,848
IC motions/Appeals Filed (first level)	94,497	93,711
HEARING ACTIVITY		
Claims Heard	99,723	88,015
DHO Venue	69,779	62,215
SHO Venue	29,820	25,686
COM Venue	124	114
Claims Heard Per Day (DHO/SHO)	403	353
DHO Heard Per Day	283	250
SHO Heard Per Day	121	103
Continuances: Prior to Hearing	15,683	15,283
Continuances: At Hearing	7,056	6,892
MEDICAL ACTIVITY		
Specialists Examinations Performed	1,682	1,165
PERFORMANCE		
DHO Allowance Timeframes (F-M)	37 days	36 days
Non-Compliant DHO Claims	7,000	3,969
SHO Appeal Timeframes (F-M)	39 days	35 days
Commission Appeal Timeframes (F-M)	71 days	64 days
Refusal Orders Timeframes	5 days	5 days

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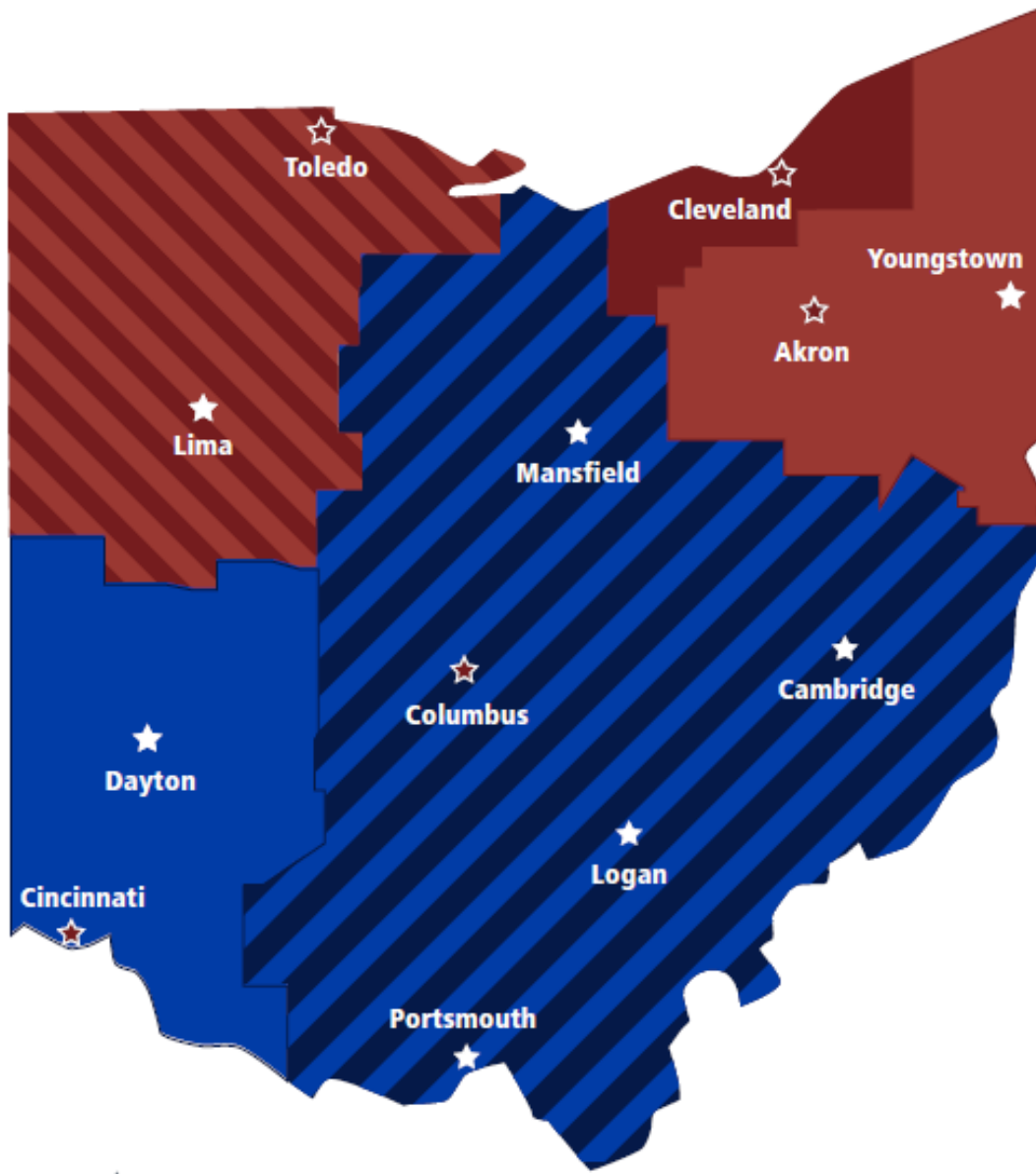
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