

# **INDUSTRIAL COMMISSION**

## **PRODUCTION ACTIVITY REPORT**

**2005**

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**COMPILED BY THE OFFICE OF MANAGEMENT PLANNING**

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# INVENTORY

The capturing of motion and appeal filings is the trigger for the adjudicatory process. Agency workloads and performance are heavily dependent upon the volumes of filings. IC inventory volume is subject to volatile daily swings dependent on appeal filings, claim receipt flows from the BWC, examiner production in relation to the number of issues involved in a claim, docketing loads, and continuances granted.

The BWC recorded more than 228,000 new injury, occupational disease, and death claims during the 2005 calendar year (CY). Approximately 33,000 (14%) of these filings were for self-insured employers. The breakdown of claims by risk type and claim type is as follows:

#### BWC New Claims Filed

CLAIM TYPE	DEATH	LOST TIME	MEDICAL ONLY	OCCUPATIONAL DISEASE	TOTAL CLAIMS FILED
<b>SELF-INSURED (SI)</b>	120	10,211	21,528	1,000	32,859
<b>NON-SI</b>	257	9,078	184,063	1,812	195,210
<b>TOTAL</b>	<b>377</b>	<b>19,289</b>	<b>205,591</b>	<b>2,812</b>	<b>228,069</b>

Source: BWC Datawarehouse (unrevised)

On average, 14% of all new claims filed are contested in whole or in part and received in the IC for determination. Original allowance and Death allowance issues were captured for 30,858 claims during calendar year 2005. The majority of these result in an allowance docket hearing.

A total of 258,308 issues were captured during CY 2005. DHO level issues account for 71% of this total. At the SHO level, appeals and recons to DHO level orders account for 90% of all issues captured. It should be noted that a number of claims have multiple issues attached per motion and not all motions or appeals will result in a hearing. CY 2005 First Level **ICON** filings, inclusive of .522/.52 filings and appeals to BWC orders, totaled 49,064 while Second Level and Above filings, inclusive of appeals to DHO and SHO orders, totaled 59,728.

#### IC Motions/Appeals Filed

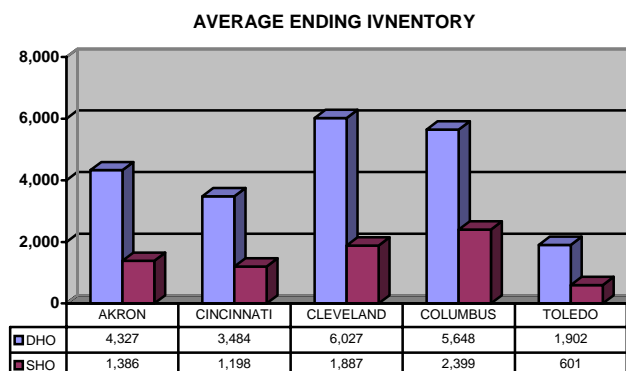
MOTIONS/APPEALS CAPTURED - 2005	DHO ALLOWANCE	DHO C-92	SHO APPEAL	SHO PTD	SHO RECON	SHO VSSR	SHO MISC
VOLUME PER DOCKET TYPE	142,438	40,266	59,826	2,741	8,674	906	3,457
PERCENT OF TOTAL	55%	16%	23%	1%	3%	1%	1%

Appeals and reconsiderations filed at the Commission hearing level total 26,381 and 875, respectively.

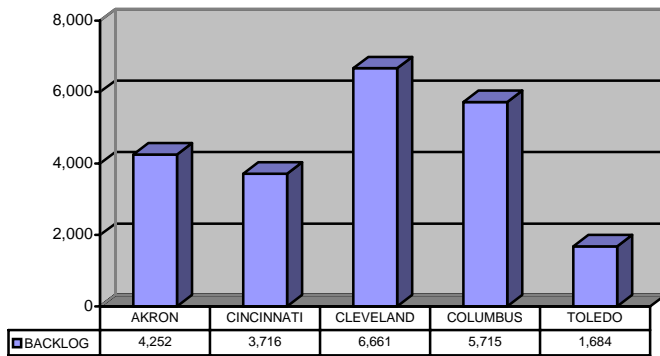
Allowance docket processes account for 49% of IC total inventory and are comprised of issues other than those for original allowance. First level DHO issues account for 75% of total inventory while SHO issues account for 25%.

ENDING INVENTORY- DECEMBER 31, 2005	ALLOWANCE	C-92	APPEAL	PTD	RECON	VSSR	MISC
CLAIM VOLUME	14,465	7,139	4,839	1,580	1,410	207	375
PERCENT OF INVENTORY	48%	24%	16%	5%	5%	1%	1%

Statewide average monthly DHO/SHO ending inventory was 30,015 claims for CY 2005. Regional breakdown of inventory as of December 31, 2005 is as follows: Cleveland-29%; Columbus-27%; Akron-20%; Cincinnati-16%; Toledo-8%. Regional restructuring instituted in April 2005 affected inventory levels within Akron, Cleveland, and Columbus. The Cleveland region generally accounts for a greater aggregate percentage of the statewide inventory. Centralized processing of PTD issues will result in Columbus maintaining a greater SHO claim volume.



**PRE-HEARING INVENTORY - 2005**



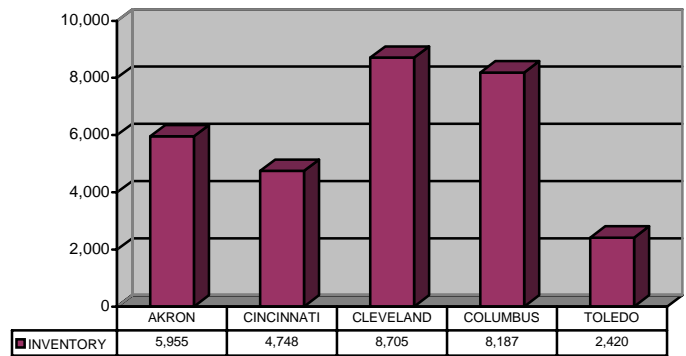
As of December 31, 2005, the IC maintained a backlog of 22,028 claims. This accounts for 73% of total ending inventory. Regional backlogs as a percentage of respective inventories are as follows: Akron-71%; Cincinnati-78%; Cleveland-77%; Columbus-70%; Toledo-70%. The remainder of the inventory constitutes post-hearing claims awaiting an order or under appeal status. Additional claims under review, in-transit, or in STAGING preparation, outside of normal hearing processes are not included in the ending and average inventory figures. These volumes average approximately 1,300 claims at the end of any given month.

As of December 31, 2005, statewide ending inventory totaled 30,960 claims at all adjudicatory levels. Regional DHO/SHO inventory levels are presented at the right and are exclusive of claims being processed for medical exams or reviews.

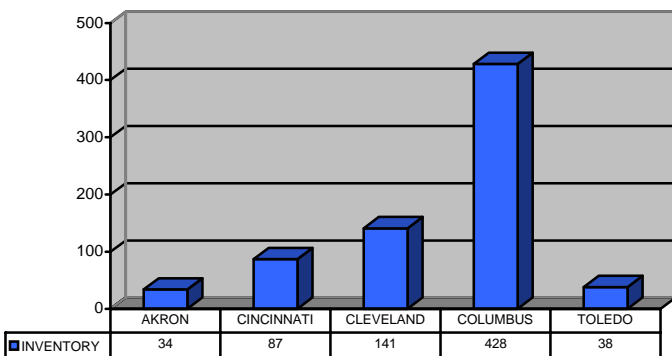
The following volumes of claims being processed in the Commission Hearing Section, Court Unit, and for Attorney Fees are counted by application as those claims are not always physically on hand:

- Commission- 132
- Court Unit- 50
- Attorney Fees- 34

**ENDING DHO/SHO INVENTORY - 2005**



**ENDING MEDICAL INVENTORY - 2005**



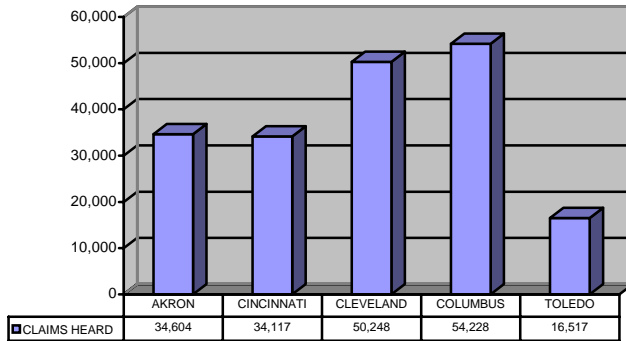
The volume of claims within the IC medical sections as of December 31, 2005 was 728, accounting for approximately 2% of total ending inventory. The majority of these claims (99%) are being processed for PTD related specialist exams. The remaining claims have been referred for an exam or medical review for non-PTD related issues. Processing of all initial PTD medical exams is centralized and performed by Claims Management within the Columbus region.

# HEARING ACTIVITY

The Industrial Commission heard a total of **190,166** claims during calendar year 2005 at all adjudicatory levels. This is 2.3% lower than the 2004 total of 194,660 claims heard. The restructuring of the Akron, Cleveland, and Columbus regions reflects significant changes in the distribution of hearing volumes in those regions. Thus, regional fluctuations from 2004 are incomparable. The total DHO volume accounts for 71% of overall hearings at 134,476 claims heard. Total SHO claims heard are recorded at 55,238 claims. Deputy level claims heard totaled 184 in CY 2005 while the Commission level recorded 268 claims heard.

Approximately 25,700 issues were captured that do not initially require formal adjudication via hearing (lump sum settlements, lump sum advancements, Hearing Administrator issues, PT 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 result in a hearing under the normal adjudicatory process and are reflected accordingly under respective hearing venues.

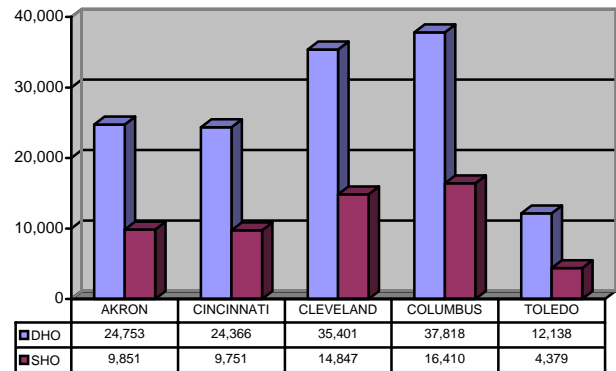
### CLAIMS HEARD BY REGION



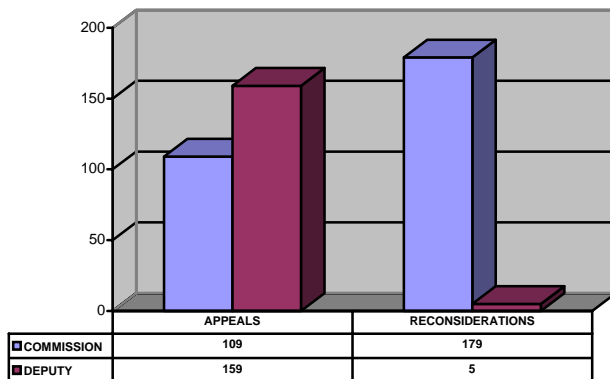
Regionally, the distribution of CY 2005 claims heard is as follows: Columbus - 29%; Cleveland - 26%; Akron - 18%; Cincinnati - 18%; Toledo-9%. The IC heard a total of 134,476 DHO claims while hearing 55,238 claims at the SHO level. The total claims heard figure is inclusive of continuances, referrals, dismissals, and other final determinations made as result of a hearing.

DHO and SHO hearings were conducted on 246 days during CY 2005. An average of 771 claims were heard per day at the DHO/SHO hearing levels. District Hearing Officers averaged 549 claims heard per day while Staff Hearing Officers averaged 225 claims heard per day.

### DHO/SHO CLAIMS HEARD



### COMMISSION LEVEL CLAIMS HEARD



Commission level hearings were scheduled on 35 days during CY 2005. Commission venue appeals and recons were scheduled at a rate of 8.2 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:**

DHO Allowance claims heard account for 51% of the statewide total while DHO C92 claims account for 20%. SHO dockets are accounted for as follows: Appeals - 22%; C92 Reconsiderations - 4%; PTD - 2%; MISC - 1%; VSSR - less than 1%. Commission and Deputy venue hearings account for less than 1% of the statewide total.

REGION	AKRON	CINCINNATI	CLEVELAND	COLUMBUS	TOLEDO	TOTAL
<b>DOCKET TYPE</b>						
DHO Allowance	16,506	19,633	23,465	28,354	9,108	<b>97,066</b>
DHO C-92	8,247	4,733	11,936	9,464	3,030	<b>37,410</b>
SHO Appeal	6,992	8,068	11,128	12,436	3,505	<b>42,129</b>
SHO Reconsideration	1,989	590	2,638	2,285	353	<b>7,855</b>
SHO Miscellaneous	283	312	458	466	138	<b>1,657</b>
SHO VSSR	38	52	50	64	16	<b>220</b>
SHO PTD	549	729	573	1,159	367	<b>3,377</b>
Deputy	25	16	27	113	3	<b>184</b>
Commission	-	4	6	258	-	<b>268</b>
<b>Total</b>	<b>34,629</b>	<b>34,137</b>	<b>50,281</b>	<b>54,599</b>	<b>16,520</b>	<b>190,166</b>

**Hearings Held by Employer Group**

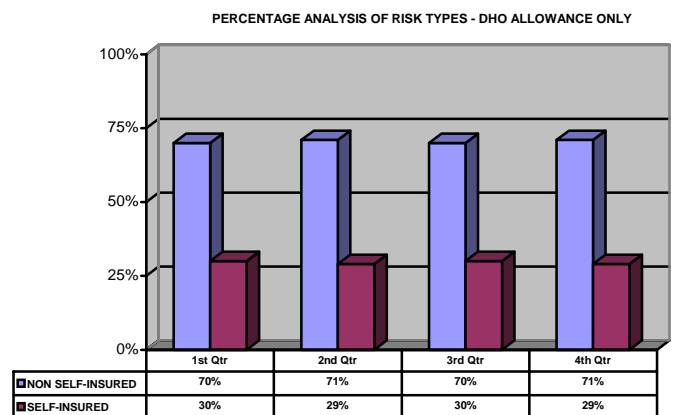
Hearings were conducted for 32,852 different risks during CY 2005. Hearings for claims of private state funded employers accounted for 57% of all hearings while self-insured employers accounted for 30%, public county employers accounted for 10%, and public state employers' claims accounted for 3%.

EMPLOYER TYPE	State Fund	Self-Insured	Pol. Sub (County)	State	Total
<b>DOCKET TYPE</b>					
DHO Allowance	56,258	28,699	9,013	3,109	<b>97,079</b>
DHO C-92	20,964	10,692	4,553	1,208	<b>37,417</b>
SHO Appeal	23,113	13,906	3,669	1,447	<b>42,135</b>
SHO Reconsideration	4,243	2,655	748	211	<b>7,857</b>
SHO Miscellaneous	999	487	128	44	<b>1,658</b>
SHO VSSR	168	53	3	2	<b>226</b>
SHO PTD	1,331	380	178	68	<b>1,957</b>
Deputy	87	83	9	4	<b>183</b>
Commission	116	104	16	9	<b>245</b>
<b>Total</b>	<b>107,279</b>	<b>57,059</b>	<b>18,317</b>	<b>6,102</b>	<b>188,757</b>

There is not a one-to-one relationship between claims heard and hearings held. Some hearings involve more than one claim and/or employer.

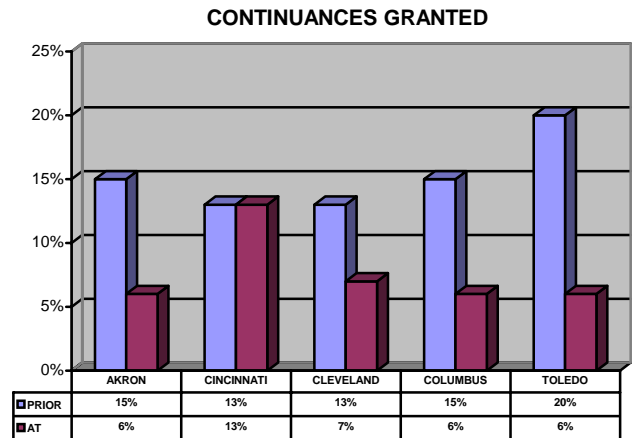
**DHO Risk Type Analysis**

During CY 2005, 30% of all claims heard on DHO Allowance dockets were for self-insured risks while 70% were for non-SI risks. Statewide, quarterly ratios remained relatively steady throughout the year, but there were slight variations by region. Some fluctuations were partially due to the restructuring of the Akron, Cleveland, and Columbus regions in April 2005.

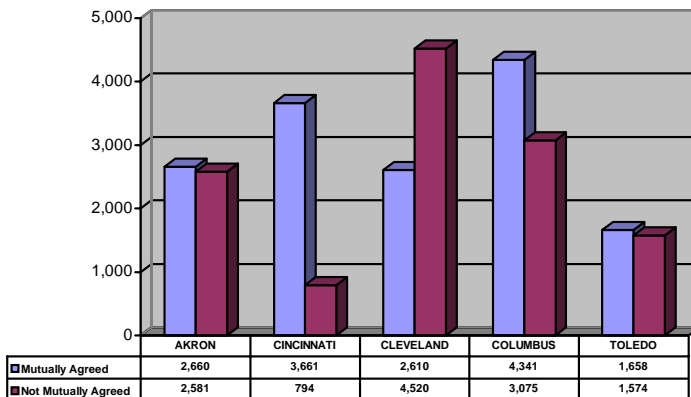


## Continuances

Continuance rates remained relatively steady throughout CY 2005. Continuances granted **prior** to hearing totaled 27,406 during CY 2005 while continuances granted **at** hearing totaled 14,188. The Toledo region maintained the highest rate for continuances prior to hearing at 20%. The Cincinnati region maintained the highest rate for continuances at hearing registering 13%.



**MUTUALLY AGREED VS. NOT MUTUALLY AGREED CONTINUANCES**

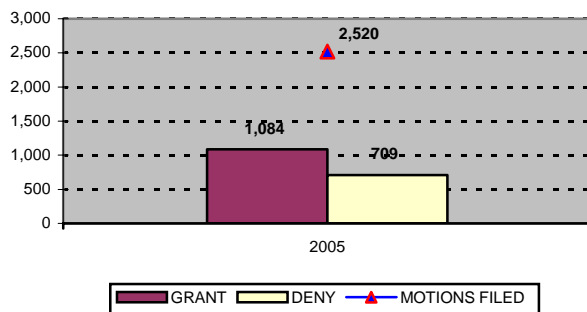


Continuances impact inventory backlogs, docketing, and time frames. Mutually agreed continuances prior to hearing are not eligible for time frame consideration. Continuances prior to hearing that are not mutually agreed to may remain eligible if the time frames are not waived by the parties at some other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

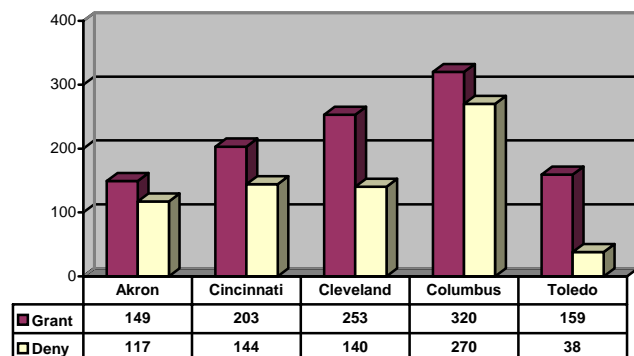
## PTD Decisions

During 2005, 60% of the decisions rendered were PTD Grants versus 40% PTD Denials. Regionally, grant/deny ratios were as follows: Akron:56%-44%; Cincinnati:58%-42%; Cleveland:64%-36%; Columbus:54%-46%; Toledo: 81%-19%.

**DECISIONS OF PTD FILINGS BY NUMBER OF CLAIMANTS**



**PTD DECISIONS - 2005**



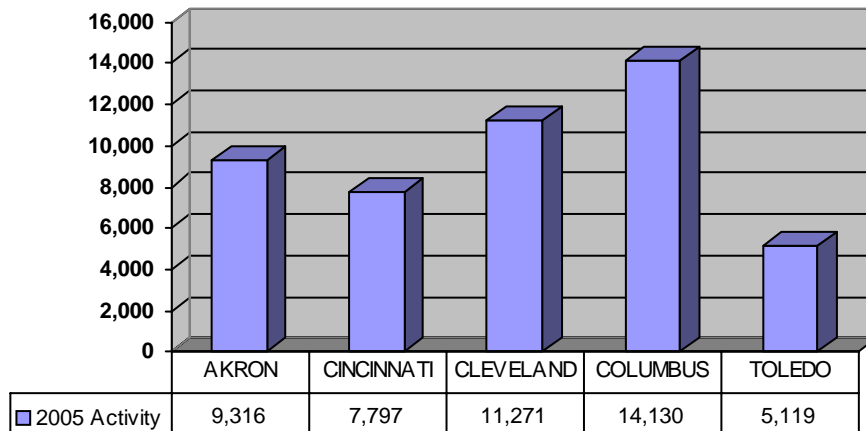
## HEARING ADMINISTRATOR

Hearing Administrators perform a variety of functions that facilitate the adjudication process. In addition to processing almost 30,000 continuance requests during CY 2005, they also processed 11,700 requests to withdraw motions or appeals and cancel hearings that may have been scheduled. Additionally, Hearing Administrators made decisions and performed activities in the below categories during CY 2005:

	ISSUE PTD LETTERS	PRE-HEARING CONFERENCES	SUBPOENA REQUESTS			INTERROGATORIES / DEPOSITIONS		SUSPENSION REQUESTS		.522/.52 REQUESTS	
			GRANT	DENY	REFER TO HEARING	GRANT	DENY	GRANT	DENY	GRANT	REFER TO HEARING
AKRON	266	46	79	17	2	8	4	240	65	87	166
CINCINNATI	306	110	68	8	3	9	3	283	111	87	90
CLEVELAND	292	97	193	6	-	18	-	197	103	96	289
COLUMBUS	873	85	120	72	13	14	4	401	183	156	212
TOLEDO	220	3	43	9	4	4	3	110	34	80	37
<b>TOTAL</b>	<b>1,957</b>	<b>341</b>	<b>503</b>	<b>112</b>	<b>22</b>	<b>53</b>	<b>14</b>	<b>1,231</b>	<b>496</b>	<b>506</b>	<b>794</b>

Hearing Administrators also processed requests for extensions related to PTD filings and requests regarding other miscellaneous issues that are not presented in this report. Statewide, Hearing Administrators made decisions on, or referred to hearing, approximately 47,633 issues during CY 2005. Regionally, Hearing Administrator activity are presented in the graph below. Regionally, Akron accounted for 19.5% of all Hearing Administrator activity during CY 2005, Cincinnati accounted for 16.4%, Cleveland accounted for 23.7%, Columbus accounted for 29.7%, and Toledo accounted for 10.7%.

**Hearing Administrator Activity**

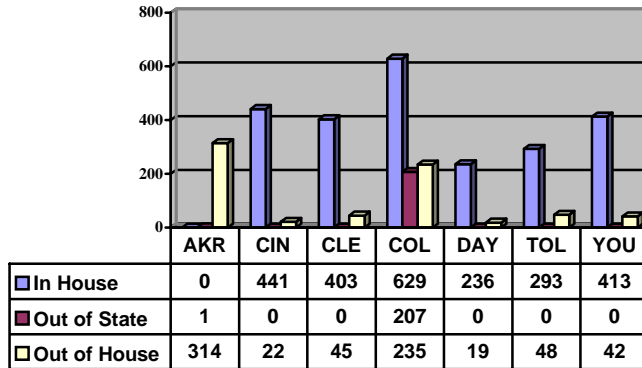


# MEDICAL ACTIVITY

## MEDICAL SPECIALIST EXAMS

Statewide, a total of 3,348 specialist exams and medical reviews were performed on behalf of the Industrial Commission during CY 2005. The majority of these exams (99%) were related to PTD filings. This is inclusive of in-house, outside, and out of state exams. The Akron region does not currently perform in-house medical exams. Scheduling of exams for claimants residing out of state is performed through the Columbus office. The Columbus region accounted for 32% of the statewide total at 1,071 exams attributed to the region. The Cleveland region accounted for 24%; Akron accounted for 13%; Cincinnati accounted for 21%; Toledo accounted for 10%.

### MEDICAL EXAMS PERFORMED

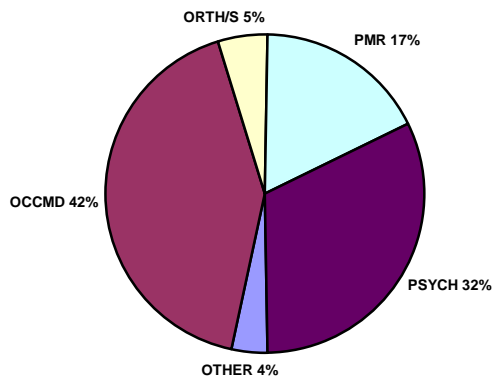


A total of 4,238 exams were scheduled during CY 2005. A total of 890 were rescheduled, canceled, or the injured did not show for the exam. The statewide "cancellation" rate was 21% for the year.

### Medical Exams/Reviews Scheduled

DISTRICT	AKRON	CINCINNATI	CLEVELAND	COLUMBUS	DAYTON	TOLEDO	YOUNGSTOWN
Cancellation Rate	<b>22%</b>	<b>21%</b>	<b>23%</b>	<b>22%</b>	<b>18%</b>	<b>15%</b>	<b>21%</b>
Canceled	26	35	30	56	17	8	27
No-Show	11	11	29	56	5	3	13
Rescheduled	53	76	74	195	34	51	80
Performed	315	463	448	1,071	255	341	455
<b>Total Scheduled</b>	<b>405</b>	<b>585</b>	<b>581</b>	<b>1,378</b>	<b>311</b>	<b>403</b>	<b>575</b>

### MEDICAL EXAMS PERFORMED (BY EXAM TYPE)



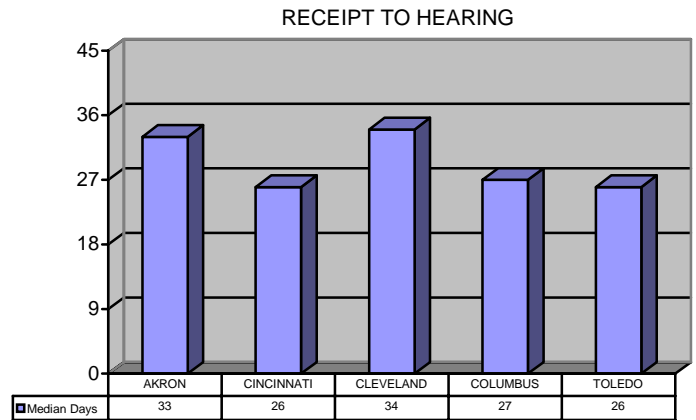
For medical specialist exams performed during 2005, OCCMD specialists account for the largest portion of total exams performed at 42% (1,403 exams). This is followed by PSYCH specialists exams at 32%; PMR specialists exams at 17%; ORTH/ORTHS specialists exams at 5%; and OTHER specialist types at 4%.

# PERFORMANCE

## DHO Performance

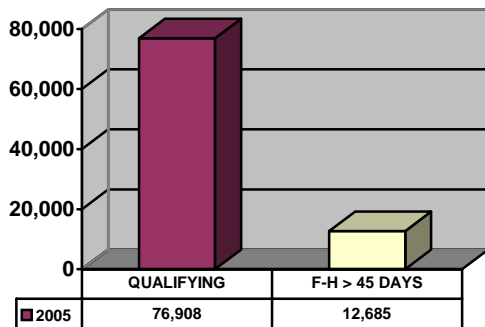
District hearing officers heard a total of 97,066 allowance claims during CY 2005. Of those, 76,908 qualified for inclusion in time studies. On average, all IC offices performed within the statutory and benchmark limits set forth in HB 107 and HB 413. The IC performance is set at 38 days. This performance measure is based on the difference between the two statutory periods *Filing to Hearing* and *Filing to Receipt* (45 – 7).

DHO ALLOWANCE MEDIAN DAYS						
2005	F-R	R-H	F-H	H-M	R-M	F-M
1st QTR	3	27	33	3	31	36
2nd QTR	3	27	32	3	30	36
3rd QTR	3	29	34	3	33	37
4th QTR	2	28	32	3	31	36
Y-T-D	3	28	33	3	31	36



## 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 to the IC.

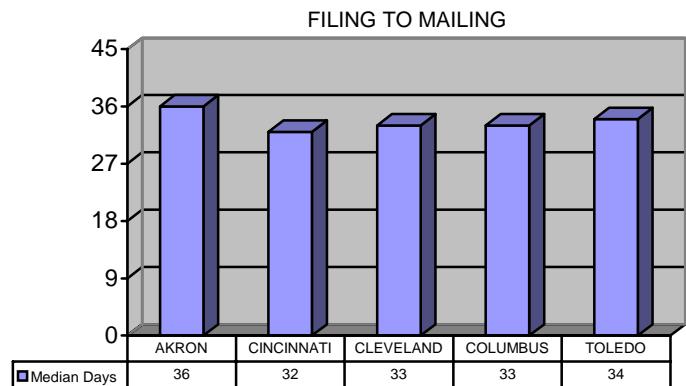


Of the qualifying 2005 Allowance claims heard, 12,685 claims, or 17%, were beyond the statutory 45-day *Filing Date to Hearing Date* time frame. For 2005 there were 7,031 Allowance claims heard, or 9%, that were beyond the 38-day *Receipt Date to Hearing Date* benchmark reflecting IC performance. This reflects a 24% decrease in the volume of non-compliant claims with a 4 percentage point improvement in the rate of non-compliance compared to 2004 performance.

## SHO Performance

Staff hearing officers heard a total of 42,129 appeal claims during CY 2005. Of those, 34,318 qualified for inclusion in time studies. On average, all IC offices performed within the statutory and benchmark limits.

SHO APPEAL MEDIAN DAYS			
2005	F-H	H-M	F-M
1st QTR	30	3	34
2nd QTR	28	3	32
3rd QTR	29	3	33
4th QTR	29	3	33
Y-T-D	29	3	33



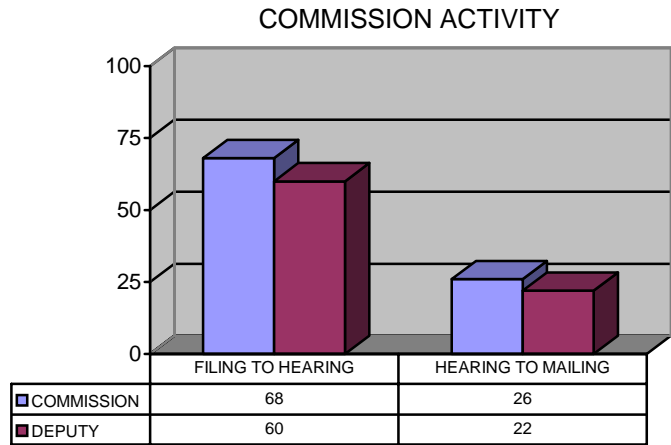
**Commission Performance\***

For hearings conducted during CY 2005, the combined venue average for the period **Filing of Appeal to Hearing Date** is 63 days. This is an eleven-day improvement from 2004 average of 74 days.

The combined venue average for the period **Hearing to Mailing Date** is 26 days. This is an improvement of six days from the 2004 average of 32 days.

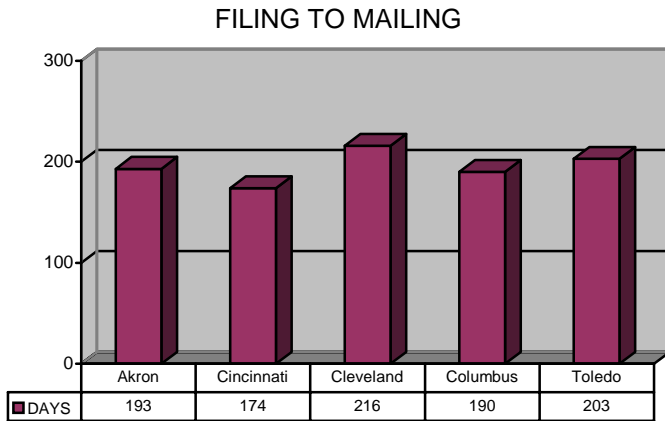
The combined venue average for the **Filing of Appeal to Mailing of Order** time frame is currently 89 days, a 16-day improvement from the 2004 rate.

\*Commission performance data for CY 2005 is only available through November. These figures may fluctuate slightly as December orders are received.



**PTD Performance**

A total of 3,377 PTD claims were heard during CY 2005. A total of 2,818 qualified for inclusion in the time studies (83%). Only those claims in which a decision is final in nature are tracked. Decisions involving a continuance or referral are not used in the calculation of the performance estimate.



Revisions made to the PTD process in 2004 have resulted in significant improvements in time frames. During CY 2004, PTD applications were adjudicated within approximately 230 days of the application filing date. This improved to 196 days during CY 2005.

PTD hearings are typically taken under advisement with a final order published at a later date. Statewide, final orders were published within eight (8) days of the hearing during CY 2005.

**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 appeal filing date.

On average, refusal orders were issued within nine (9) days of the appeal filing throughout CY 2005. This rate was at 10 days for January - June and dropped to eight (8) days for July - December.

