

Lump Sum Advancements for Attorney Fees

R90-1-10

Limitation on Amount

September 5, 1990

(R90-1-10 is also referenced under '**Reimbursement of Attorney Expenses**')

WHEREAS, Ohio Revised Code Section 4123.64 permits the Industrial Commission of Ohio to commute payments of compensation or medical benefits to one or more lump sum payments; and

WHEREAS, Ohio Revised Code Section 4123.06 mandates such lump sum payments for attorneys' fees shall be ruled upon by the Industrial Commission; and

WHEREAS, Industrial Commission Rule 4121-3-10(B) requires a periodic publishing of the permissible amounts of lump sum payments; and

WHEREAS, Industrial Commission Rule 4121-3-10(B)(1)(a) provides that lump sum advancements to creditors be considered for allowance only in situations where the indebtedness was incurred and recorded prior to the filing of an application for permanent partial disability, permanent total disability or death awards; and

WHEREAS, Industrial Commission Rule 4121-3-10(B)(2) provides that the Commission may approve, disapprove or modify applications for lump sum payment to pay such attorneys' fees and mail out a payment of a reasonable fee after review of the application and supporting evidence; and

WHEREAS, questions have arisen regarding whether reimbursement of expenses incurred by an attorney in obtaining either a medical report or a vocational expert report in support of an application for permanent partial disability, permanent total disability or a death award as included within an attorneys' fee; and

WHEREAS, the Industrial Commission desires to modify past Commission guidelines in the area of applications for lump sum payment to pay attorneys' fees.

THEREFORE BE IT RESOLVED that the Industrial Commission shall permit approval of applications for lump sum payment of attorneys' fees including the reimbursement of expenses for obtaining a medical report or vocational report to support an application for permanent partial disability, permanent total disability or death benefits when such expenses are the obligation of the claimant in the fee contract that is entered into between the claimant and the attorney.

BE IT FURTHER RESOLVED that requests for lump sum payment to reimburse such expenses shall be based on the actual expenses incurred but in no event shall exceed five hundred dollars (\$500.00).

BE IT FURTHER RESOLVED that in no event will the Industrial Commission approve an application for lump sum payment of attorneys' fees that is in excess of five thousand dollars (\$5,000.00) for attorneys' fees and in addition five hundred dollars (\$500.00) for reimbursement of actual expenses as defined and limited in the preceding paragraphs.

Other Lump Sum Advancements for Attorney Fees Resolutions

R95-1-13

Maximum Reduction of Compensation Rate

September 27, 1995

R99-1-01
Attorney Fees/Lump Sum Advancements
June 30, 1999

R07-1-01
Guidelines for Authorization to Receive Checks and Attorney Fee Guidelines for Authorization
filed after April 15, 2007
March 28, 2007

Joint Resolution R07-1-02
Guidelines for Lump Sum Advancements for Attorney Fees and Reimbursement of Expenses
May 2, 2007