

Self-Insurer Issues**R95-1-03****Compliance with Prior Hearing Orders/Reconsiderations****March 21, 1995**

WHEREAS, the Industrial Commission has the inherent power to reconsider a final order prior to an appeal being filed pursuant to Section 4123.512 of the Ohio Revised Code or until a complaint in mandamus is filed; and

WHEREAS, the Industrial Commission issued Resolution No. R94-1-8 on April 18, 1994 setting forth guidelines for the adjudication of requests for reconsideration of final orders issued by the Commission and its Hearing Officers; and

WHEREAS, Section 4121.35(B)(1) of the Ohio Revised Code provides that Staff Hearing Officers have original jurisdiction to hear and decide applications for permanent total disability compensation pursuant to Section 4123.58 of the Ohio Revised Code and there is no administrative appeal from such an order; and

WHEREAS, pursuant to Ohio Administrative Code Rule 4123-19-03(L)(5), self-insuring employers are required to pay compensation due and payable as a result of a final Commission order no later than twenty-one days after the receipt of an order to do so; and

WHEREAS, it has come to the attention of the Industrial Commission that, when a request for reconsideration is pending, some self-insuring employers are not making payment of compensation pursuant to final orders of Staff Hearing Officers that are issued under Section 4121.35(B)(1) and Section 4123.58 of the Ohio Revised Code within the time frame required pursuant to Ohio Administrative Code Rule 4123-19-03(L)(5); and

WHEREAS, it has also come to the attention of the Industrial Commission that, when a request for reconsideration is pending, some self-insuring employers are not making payment of compensation pursuant to final orders of the Industrial Commission or its Hearing Officers issued under Section 4123.511 of the Ohio Revised Code pursuant to the time frames set forth within Section 4123.511(H) of the Ohio Revised Code; and

WHEREAS, pursuant to Section 4121.03(E) of the Ohio Revised Code, the Industrial Commission is responsible for the establishment of overall adjudicatory policy and management of the Industrial Commission under Chapters 4121., 4123., 4127., and 4131. of the Ohio Revised Code.

THEREFORE BE IT RESOLVED that it is the position of the Industrial Commission that the filing of a request for reconsideration from a final administrative order of the Industrial Commission or its Hearing Officers does not alter the obligation of the self-insuring employer to comply with the timeliness of payment of compensation pursuant to Ohio Administrative Code Rule 4123-19-03(L)(5) when an order of payment of compensation is issued pursuant to Section 4121.35(B)(1) of the Ohio Revised Code or to comply with Section 4123.511(H) when an order of payment of compensation is issued under Section 4123.511 of the Ohio Revised Code, absent the vacation of the final administrative order by subsequent order of the Industrial Commission.

The Industrial Commission of Ohio
Patrick J. Gannon, Chairman
Douglas R. Trail, Member
Attested to By: Barbara A. Knapic, Member
Patty Evans, Acting Executive Secretary

Other Self-Insurer Issues Resolutions

R94-1-14
Self-Insurers
August 10, 1994