

# PREPARE FOR AN INDUSTRIAL COMMISSION HEARING

## WORKERS' COMPENSATION CLAIMS MANAGEMENT TOOLS FOR OHIO MANUFACTURERS

The Industrial Commission of Ohio (IC) is the body that provides a forum for “fair and impartial claims resolution” and conducts hearings on disputed claims.

The Bureau of Workers Compensation (BWC) may refer any issue to the IC for adjudication. And any Order issued by the BWC may be appealed to the IC by the employer or the injured worker.

A disputed claim is initially set for a **District Hearing** where the parties have the opportunity to present evidence that is relevant to adjudicate pending issues. All hearings are conducted “informally” by a hearing officer. The District Hearing Officer (DHO) issues a Record of Proceedings (a decision).

If either party disagrees with the District-level decision, either party has the right to appeal to the **Staff Hearing** level, generally within 14 days of receipt of the decision. The Staff Hearing offers a second opportunity to present relevant information to a Staff Hearing Officer (SHO) and a Record of Proceedings is again issued.

Either party then has 14 days to appeal to the full **Industrial Commission**. It is uncommon for the IC, or a deputy of the IC, to hear a third-level appeal. The IC generally hears only precedent-setting claims. However, either party can file for reconsideration of a refused appeal, which generally requires a supporting legal brief. Following this reconsideration decision or the initial refusal, the parties may file most matters (but not extent of disability grievances) into Common Pleas Court within 60 days.

All appeal deadlines specified on BWC Orders, Tentative Orders or Records of Proceeding are strictly observed. The District Hearing or the Staff Hearing present the best, and sometimes the only, opportunity to file evidence to support your position.

As your service supplier, we are required to have your (the employer's) permission in order to file an appeal.

Follow best practices in collecting witness and non-witness statements, medical records, independent medical exams (IMEs) or private investigations to provide the most complete evidence for the hearing officer's consideration.

Data from IMEs and private investigations are useful during the adjudication process, and can also be valuable on an ongoing basis once a claim has been allowed to contain future claim costs. Both IMEs and private investigations are a direct expense to the employer. Therefore, careful consideration should be given to their use and usefulness. Your OMA Account Manager can advise you about, and assist you with, obtaining IMEs and private investigations.

It is often useful for employers to attend a hearing, especially in cases where they have direct testimony relevant to the issue being adjudicated. If your presence can contribute to a successful hearing outcome, your Account Manager will notify you. Employers are welcome to attend the hearings, although their participation is not required.

***There are no additional charges for the professional legal and hearing representation services of OMA Workers' Compensation Services. Our partners include Dinsmore, Garvin & Hickey, and Roetzel, among others.***

***To protect your interests, your OMA Account Manager coordinates the hearing strategy with you and the selected attorney, who stays in touch with you throughout the proceeding.***

***It's our job to identify and collect all the documents and evidence needed for hearing.***