

PREPARE FOR AN INDUSTRIAL COMMISSION HEARING

WORKERS' COMPENSATION CLAIMS MANAGEMENT TOOLS FOR OHIO MANUFACTURERS

We've created a video that describes the Industrial Commission process for appealed claims. Search under Workers' Compensation Management in the OMA Video Library. My OMA login required.
(Search under Workers' Compensation Management > Workers' Compensation Claims Appeals.)

The Claims Service Specialist (CSS) at the Bureau of Workers' Compensation (BWC) is most often the first party to issue a BWC Order to set forth the initial allowance or denial of a claim. Both the injured worker and the employer have the right to appeal this decision, typically within 14 days from the receipt of the order.

If appealed, the claim is set for a **District Hearing** where all parties have the opportunity to present evidence that is relevant to properly 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, again, generally within 14 days of receipt of the order. 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 has 14 days to appeal to the full **Industrial Commission (IC)**. It is uncommon for the Industrial Commission, 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 legal brief to support the appeal. 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 for an appeal.

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

To protect your interests, your OMA Account Manager coordinates the hearing strategy with you and the selected hearing representative, 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.

Following best practices in collecting witness and non-witness statements, authorizations for the release and solicitation of medical records, independent medical exams or private investigations will enable you to present the most complete evidence for the Hearing Officer's consideration.

Employers have specific rights concerning independent medical examinations (IMEs) and private investigations. Data from IMEs and private investigations are useful during the initial adjudication process, and can also be valuable on an on-going 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.

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