
ANDERSON'S
2004
OHIO WORKERS'
COMPENSATION
LAW HANDBOOK

Compiled by
PHILIP J. FULTON

ANDERSON'S
2004
OHIO WORKERS'
COMPENSATION
LAW HANDBOOK

Prepared by the Editorial Staff of the Publisher



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1 INDUSTRIAL COMMISSION RESOLUTIONS



Industrial Commission of Ohio

Resolutions

Bob Taft
Governor

Maureen O'Connor
Lt. Governor

William E. Thompson
Chairperson

Patrick J. Gannon
Member

Donna Owens
Member

**FOREWORD**

This publication is designed to serve as a reference source that sets forth the adjudicatory resolutions of the Industrial Commission. It is not an index of all resolutions promulgated by the Industrial Commission. The Joint Adjudicatory Resolutions of the Bureau of Workers' Compensation and the Industrial Commission have been included, as well as, a Table setting forth rescinded, superseded and modified Resolutions.

The publication represents a continuing effort to provide reference sources for hearing officers, claimants, employers and others who are involved in the adjudication of contested workers' compensation claims.

Newly promulgated resolutions will be added, as needed. The index has been arranged in loose leaf format to ease periodic updating.

November, 1997



Industrial Commission of Ohio Adjudicatory Resolutions

Table of Contents

- ◆ ——— List of current adjudicatory resolutions
- ◆ ——— Text of current Commission adjudicatory resolutions
- ◆ ——— Table of rescinded, superseded and modified resolutions
- ◆ ——— Index of current resolutions

November, 1997



List of Current Resolutions

Industrial Commission of Ohio



Industrial Commission of Ohio Adjudicatory Resolutions

**LIST OF CURRENT
Adjudicatory
Resolutions**

Industrial Commission Resolution No. R82-7-25 Dated May 13, 1982

Payment of Permanent Total Disability held in abeyance when claimant or claimant's representative makes written notification claimant engaged in substantially remunerative employment

Industrial Commission Resolution No. R82-7-3 Dated Jan. 25, 1982

Communications with Industrial Commission Physicians

Industrial Commission Resolution No. R82-7-64 Dated Sept. 1, 1982

Regarding *State ex rel. Bosch v. Industrial Commission* (Walker case applied retrospectively)

Joint Industrial Commission/Bureau of Workers' Compensation

Resolution No. R87-1-176 Dated August 25, 1987

Authorizations to receive workers' compensation checks shall be honored for wage loss awarded pursuant to Section 4123.56(B)

Joint Industrial Commission/Bureau of Workers' Compensation

Resolution No. R88-1-200 Dated September 28, 1988

Interpreters

Joint Industrial Commission/Bureau of Workers' Compensation

Resolution No. R89-1-008 Dated April 5, 1989

Guidelines regarding the charging of attorney fees

Joint Industrial Commission/Bureau of Workers' Compensation

Resolution No. R89-3-27 Dated August 1, 1989

Deduction of overpayment from compensation or living maintenance, all disputes should be referred for hearing

Joint Industrial Commission/Bureau of Workers' Compensation

Resolution No. R89-6-38 Dated November 2, 1989

Attorney fee authorizations in C92 claims

Industrial Commission Resolution No. R90-6-6 Dated June 13, 1990

Request to depose physician for purpose of obtaining an opinion as to disability

Industrial Commission Resolution No. R90-1-10 Dated Sept. 5, 1990

Reimbursement of Actual Attorney Expenses, modified by R95-1-13

Industrial Commission Resolution No. R92-1-1 Dated April 9, 1992

Form IC-MED-5 no longer required with motions for additional allowance of psychiatric conditions

Industrial Commission Resolution No. R93-1-7 Dated Sept. 3, 1993

Eaton Procedures Rescinded

Industrial Commission Resolution No. R94-1-6 Dated March 28, 1994

Guidelines for Appeals to Commission

July, 2004



Industrial Commission of Ohio Adjudicatory Resolutions

LIST OF CURRENT Adjudicatory Resolutions

Joint Industrial Commission/Bureau of Workers' Compensation

Resolution No. R94-1-12 Dated July 1, 1994

Report of psychiatrist or psychologist required on motions for additional allowance of psychiatric condition

Industrial Commission Resolution No. R94-1-14 Dated Aug. 10, 1994

No response self insurers

Industrial Commission Resolution No. R94-1-16 Dated Oct. 3, 1994

Lump Sum Settlements/Post H.B. 107 Procedure

Industrial Commission Resolution No. R94-1-18 Dated Nov. 23, 1994

Amends R94-1-6. Documents required for filing Appeal to Commission

Industrial Commission Resolution No. R94-1-19 Dated Nov. 23, 1994

Initial Adjudication of 4123.522/4123.52 Requests

Industrial Commission Resolution No. R95-1-03 Dated March 9, 1995

Self Insured Employer Compliance with hearing Orders/Reconsiderations

Industrial Commission Resolution No. R95-1-09 Dated June 20, 1995

Guidelines for Processing Commission Reconsideration Requests

Industrial Commission Resolution No. R195-1-12 Dated Sept. 13, 1995

Adjudicatory Resolutions Rescinded

Industrial Commission Resolution No. R95-1-13 Dated Sept. 27, 1995

Modifies R90-1-10 Attorney Fees/Lump Sum Advancements

Industrial Commission Resolution No. R95-1-14 Dated Oct. 19, 1995

Overpayments in Temporary Total Termination Cases

Industrial Commission Resolution No. R96-1-01 Dated Feb. 26, 1996

Referral of claim for Medical Specialist Examination in cases of silicosis, asbestosis or pneumoconiosis

Joint Industrial Commission/Bureau of Workers' Compensation Resolution No. R96-1-02 Dated March 5, 1996

Joint Adjudicatory Resolutions Rescinded

Industrial Commission Resolution No. R96-1-03 Dated July 2, 1996

Self Insured Employer Compliance with hearing orders/Appeals

Industrial Commission Resolution No. R96-1-04 Dated July 3, 1996

Removal for Consideration of Non-medical factors in C-92 awards

Industrial Commission Resolution No. R96-1-06 Dated Sept. 18, 1996

Commission and Hearing Officer Code of Conduct

July, 2004



Industrial Commission of Ohio Adjudicatory Resolutions

LIST OF CURRENT Adjudicatory Resolutions

Industrial Commission Resolution No. R97-1-01 Dated January 28, 1997
Commission Policy In Re: Employees of Temporary or Employee Leasing Agencies

Industrial Commission Resolution No. R97-1-02 Dated March 6, 1997
Videotaping, photographing, filming or recording of public hearing

Industrial Commission Resolution No. R97-1-03 Dated March 11, 1997
Modifies 97-1-02

Industrial Commission Resolution No. R97-1-04 Dated May 20, 1997
Guidelines with respect to the receipt of things of value from persons, corporations, associations or other entities who do business with or seek to do business with the Industrial Commission.

Industrial Commission Resolution No. R97-1-05 Dated June 6, 1997
Self Insured Employer's continuing compliance with hearing orders

Industrial Commission Resolution No. R97-1-06 Dated August 5, 1997
Reports of health care providers must be signed by the health care provider

Industrial Commission Resolution No. R97-1-07 Dated September 16, 1997
Modifies 97-1-04

Industrial Commission Resolution No. R98-1-01 Dated January 7, 1998
Waiver of time frames for state of emergency or disaster

Industrial Commission Resolution No. R98-1-02 Dated February 12, 1998
Regarding Greene v. Conrad, original allowance of claim issues

Industrial Commission Resolution No. R98-1-03 Dated May 6, 1998
Guidelines regarding continuing jurisdiction - Commission Reconsiderations

Industrial Commission Resolution No. R98-1-04 Dated August 6, 1998
Correct Temporary Total Termination Date

Industrial Commission Resolution No. R99-1-01 Dated June 30, 1999
Attorney Fees / Lump Sum Advancements

Joint Industrial Commission/Bureau of Workers' Compensation Resolution No. R03-1-01 Dated February 10, 2003
Reports Supporting Psychiatric/Psychological Conditions

Joint Industrial Commission/Bureau of Workers' Compensation Resolution No. R03-1-02 Dated March 5, 2003
Medical Evidence for Asbestos-related Claim

Joint Industrial Commission/Bureau of Workers' Compensation Resolution No. R03-1-03 Dated April 3, 2003
Revised Attorney Fee Guidelines

Joint Industrial Commission/Bureau of Workers' Compensation Resolution No. R03-1-04 Dated October 3, 2003
Continuance Guidelines

Joint Industrial Commission/Bureau of Workers' Compensation Resolution No. R04-1-01 Dated June 2, 2004
Standards of Conduct of Non-Attorneys before the Commission and the Bureau

July, 2004



Commission Resolutions

Industrial Commission of Ohio



Industrial Commission of Ohio**Resolution R82-7-3**

January 25, 1982

WHEREAS, the Industrial Commission desires to maintain impartial medical examinations and reviews; and

WHEREAS, O.R.C. Section 4121.38 mandates that the Commission provide all necessary medical information in the claim file to examining practitioners; and

WHEREAS, the Commission provides all medical examiners and reviewers a complete statement as to the purpose of the examination as required by O.R.C. Section 4121.38.

THEREFORE BE IT RESOLVED, that no person or party other than Industrial Commission employees shall communicate with a licensed practitioner examining or reviewing on behalf of the Industrial Commission. This restriction shall also apply to the party being examined other than during the examination itself.

BE IT FURTHER RESOLVED, that this Resolution shall not affect the right of any party to proceed under Commission Rule 4121-3-09(B)(5) or impair the right of parties to file additional medical or other evidence with the Commission for inclusion in the claim file.

Industrial Commission of Ohio**Resolution R82-7-25**

May 13, 1982

WHEREAS, pursuant to O.R.C. 4123.52, the Industrial Commission has continuing jurisdiction over each case and may make modification or change with respect to former findings or orders; and

WHEREAS, the Industrial Commission has a fiduciary responsibility for the State Insurance Fund.

THEREFORE BE IT RESOLVED, that the payment of compensation for permanent total disability is to be held in abeyance whenever the claimant or the claimant's representative makes written notification to the Industrial Commission or the Bureau of Workers' Compensation that the claimant is engaged in substantially remunerative employment. Further investigation may be necessary to determine the employment status of a claimant who makes such written notification or admission. After the investigation is completed the claim will be set for hearing before the Commission who shall terminate or reinstate the payment of compensation for permanent total disability.

BE IT FURTHER RESOLVED, that whenever documented evidence discloses that the claimant is engaged in substantially remunerative employment, but the claimant disputes such finding, payment of compensation for permanent total disability may be held in abeyance pending a hearing by the Industrial Commission on the issue of termination of permanent and total disability compensation.

Industrial Commission of Ohio**Resolution R82-7-64**

September 1, 1982

WHEREAS, the case of State ex rel. Bosch, v. Industrial Commission (1982), 1 Ohio St. 3d 94, finds that the decision of State ex rel. Walker v. Industrial Commission, 58 Ohio St. 2d 402 (1979) should not be limited to injuries occurring after the date of the decision in the Walker case but is applicable to all claimants' sustaining injuries compensable under the statute.

THEREFORE BE IT RESOLVED, that in accordance with State ex rel. Bosch, v. Industrial Commission, (1982), 1 Ohio St. 3d 94, that the Walker decision be applied retrospectively.

BE IT FURTHER RESOLVED, that Commission Resolution number R80-7-67 dated July 30, 1980, be revoked and shall be superseded by the instant resolution.

Industrial Commission of Ohio**Joint Resolution R87-1-176****August 25, 1987**

WHEREAS, Amended Substitute Senate Bill No. 307, effective August 22, 1986, provides for the payment of wage loss compensation pursuant to Section 4123.56(B) of the Revised Code, and

WHEREAS, the Industrial Commission of Ohio and the Bureau of Workers' Compensation promulgated Joint Resolution No. R83-6-105 regarding authorizations to receive workers' compensation checks, effective April 1, 1984, and

WHEREAS, the Industrial Commission of Ohio and the Bureau of Workers' Compensation desire that wage loss compensation be added to the forms of compensation listed in Joint Resolution No. R83-6-105,

THEREFORE BE IT RESOLVED that Joint Resolution No. R83-6-105 is hereby revised to the extent that authorizations to receive workers' compensation checks shall be honored for wage loss compensation awarded pursuant to Section 4123.56(B) of the Revised Code in addition to the other forms of compensation listed in said Resolution.