

SELF-INSURING EMPLOYERS EVALUATION BOARD

Karen L. Gillmor, Ph.D., *Chairman*
Gary E. Lucas, *Member*
Christopher J. Royer, *Member*

John R. Kasich, *Governor*

IN THE MATTER OF:

The Timken Company (Employer), Risk No. 20002967-0

and

██████████ (Claimant), Claim No. ██████████

Complaint No. 17576

██████████
CWA Local 4302, Peggy Griffith
2650 S. Arlington Rd
Akron, OH 44319

██████████
The Timken Company
1835 Dueber Ave. SW
P.O. Box 6932
Canton, OH 44706

AultComp Administrators
P.O. Box 6404
Canton, OH 44706

Morrow and Meyer
6269 Frank Ave. NW
North Canton, OH 44720

On March 6, 2012, ██████████ (Claimant) filed a form SI-28, Filing of an Allegation Against a Self-Insured Employer, against The Timken Company (Employer). On March 16, 2012, the Employer's representative submitted its response to the Bureau of Workers' Compensation (BWC). On April 7, 2012, the Claimant's representative filed a reply to the Employer's response.

On April 10, 2012, BWC's Self-Insured Complaint Resolution Unit sent a letter finding the complaint to be invalid. On April 17, 2012, the Claimant's representative filed a request for reconsideration. On April 17, 2012, a Notice of Request for Reconsideration was sent to all interested parties. On June 15, 2012, BWC's Chief of Field Operations upheld the finding that the complaint was invalid. By a letter dated August 2, 2012, the Claimant's representative filed an appeal of BWC's finding of a valid complaint.

On October 29, 2012, Chairman Gillmor and Board Member Lucas voted to have this matter set for an informal hearing before SIEEB. Board Member Royer was not present at this meeting.

At the October 29, 2012 meeting of SIEEB, Board Member Royer recused from participating in this matter. At the May 3, 2013 meeting of SIEEB, Chairman Gillmor recused from participating in this matter.

R.C. 4123.352 is the governing statute for SIEEB and provides in relevant part as follows:

(C) The administrator shall refer to the board all complaints or allegations of misconduct against a self-insuring employer or questions as to whether a self-insuring employer continues to meet minimum standards. The board shall investigate and may order the employer to take corrective action in accordance with the schedule the board fixes. **The board's determination in this regard need not be made by formal hearing but shall be issued in written form and contain the signature of at least two board members.** (Emphasis added.)

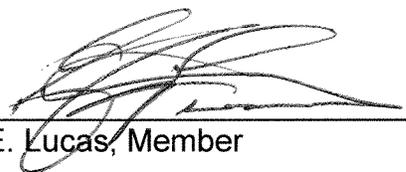
DETERMINATION:

With the recusal of two of the three members of SIEEB, it cannot take any action on this complaint pursuant to R.C. 4123.352(C). Complaint No. 17576 filed by Claimant [REDACTED] against the Employer [The Timken Company] on March 6, 2012, is invalid as previously found by BWC's Chief of Field Operations.

SELF-INSURING EMPLOYERS EVALUATION BOARD

RECUSED

Karen L. Gillmor, Ph.D., Chairman



Gary E. Lucas, Member

RECUSED

Christopher J. Royer, Member

DATE MAILED: 3rd DAY OF April, 2014