

4123-14-05 Settlement of liability of a non-complying employer.

- (A) A non-complying employer may apply to the administrator of the bureau of workers' compensation for settlement of its liability to the state insurance fund. The request shall:
- (1) Be in writing and properly signed in handwriting by the employer concerned or by its duly authorized representative. Unsigned requests shall be held in abeyance until properly completed, and the applicant shall be notified accordingly;
 - (2) Clearly set forth the circumstances by reason of which the proposed settlement is deemed desirable;
 - (3) Include, but not be limited to, the following information:
 - (a) The size of employer's business, including the number of employees;
 - (b) The location of the business, including each state in which the business is located;
 - (c) The length of time the employer has been in business;
 - (d) The nature and type of the employer's business for the past five years;
 - (e) A copy of the employer's federal and state income tax return for the past three years;
 - (f) A notarized financial statement of current assets and liabilities;
 - (g) A sworn statement to explain the reason for noncompliance with the "Ohio Workers' Compensation Act";
 - (h) The amount of the requested settlement; and
 - (i) Whether the employer is in business at the present time and complying with the "Ohio Workers' Compensation Act."
- (B) The administrator may refer the request to the legal division of the bureau of workers' compensation for review, preparation of memorandum, and presentation to the adjudicating committee for approval or disapproval of the offer of settlement. The employer's past history with the bureau, if any, as reflected by the records of the bureau or industrial commission, shall be verified. If additional information is needed for proper disposition of the case, the matter may be referred for investigation. In justifiable situations, an independent financial statement and the employer's credit rating may be obtained.
- (C) The adjudicating committee may accept the offer of settlement if it finds by a preponderance of the evidence that such a settlement:
- (1) Is in the best interest of the state insurance fund;
 - (2) Is in the best interest of the employees of the employer concerned;
 - (3) Will be beneficial to the general welfare of the community; or
 - (4) Will best serve any other public purpose.

The decision of the adjudicating committee shall be reduced to writing and shall be mailed forthwith to all interested parties. The bureau may structure the payment of settlement with the employer for a period

not exceeding twenty four months. Interest charges for the structured settlement shall be determined in accordance with section 131.02 of the Revised Code.

(D) The administrator shall process an application to settle a liability for violation of a specific safety requirement in the same manner as set forth in this rule.

Effective: 12/13/14

Prior Effective Dates: 11/26/79, 12/18/89 (Emer.), 2/22/90