

SELF-INSURING EMPLOYERS EVALUATION BOARD
FINDINGS

IN THE MATTER OF: General Housewares Corporation (Employer), Risk No. 20002985-1
(Successor Employer: World Kitchen LLC, Risk No. 1377239-0)

And

██████████ (Injured Worker), Claim No. ██████████

Complaint No. 15574

██████████
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Vandalia, OH 45377

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c/o World Kitchen LLC
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Complaint No. 15574 was recently addressed without a hearing by the Self-Insuring Employers Evaluation Board. The complaint, filed by Injured Worker ██████████, alleges that the employer entered into a settlement agreement with him and has not made payment of the settlement proceeds. The C-240 Settlement Agreement that is the subject of this complaint was signed by Linda Briggs, a Benefit Analyst for World Kitchen LLC. The complaint is dismissed on grounds that World Kitchen LLC is not a self-insuring employer.

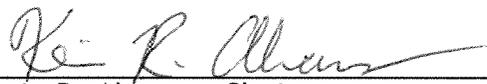
A review of the facts of this case reveals a complex history involving the status of the original employer. J.R. Clark Company, dba Wagner Manufacturing Division was a self-insuring employer under SI Risk No. 20002985-1 when its employee, ██████████, was injured on January 31, 1978. J.R. Clark Company was a subsidiary of General Housewares Corporation, also a self-insuring employer under SI Risk No. 20002985-0. Effective September 28, 1978, the J.R. Clark Company, Wagner Manufacturing Division, was merged into General Housewares Corporation. SI Risk No. 20002985-1 was cancelled as an active policy in 1984, although it appears the company continued to pay obligations incurred in its self-insured claims. General Housewares maintained self-insured status under Risk No. 20002985-0 until December 14, 1995, when its self-insured status was cancelled. It appears that General Housewares continued to pay obligations incurred in its self-insured claims, as recorded on the Report of Paid Compensation (SI40) filed annually with the Self-Insured Department. In addition, it appears that General Housewares was also making payments in at least one claim of its former subsidiary. A 1997 Self-Insured Department Audit revealed that General Housewares paid compensation to ██████████, the injured worker herein.

General Housewares was purchased by World Kitchen in October, 1999. World Kitchen, a state-fund employer, appears to have paid amounts billed to General Housewares' SI Risk No. 20002985-0. Linda Briggs signed SI40 forms submitted on behalf of General Housewares in 2003 and 2006.

Ms. Briggs also signed a state-fund settlement application agreeing to allow BWC to negotiate a settlement of Claim No. 637127-22 for Mr. Adams' January 31, 1978 injury. The settlement was approved through the agency review process, but no payment was made, giving rise to the complaint filed herein.

The materials presented to this Board include extensive arguments on the validity of the settlement agreement, as well as the party responsible for payment of the settlement amount. This Board finds it has jurisdiction over neither. R.C. 4123.352 charges the Self-Insuring Employers Evaluation Board with the responsibility of investigating complaints or allegations of misconduct against self-insuring employers. Ohio Adm.Code Rule 4123-19-13 provides that unresolved complaints or allegations of misconduct against self-insuring employers be referred to the Board. It is clear that World Kitchen, LLC is not a self-insuring employer. There has been no evidence presented that suggests the self-insurance privilege granted under SI Risk Nos. 20002985-0 and 20002985-1 has been extended to any other self-insuring employer. There is simply no self-insuring employer over which this Board may exercise jurisdiction to address Complaint No. 15574, and it is hereby dismissed. The Board reiterates, however, that there is nothing in this order that addresses the validity of the settlement agreement or the responsibility for payment of self-insurance obligations found by BWC.

SELF-INSURING EMPLOYERS EVALUATION BOARD



Kevin R. Abrams, Chairman YES



Wesley Wells, Member YES



William Holt, Member Concur in Judgment Only

DATE MAILED: 26th DAY OF March, 2008 *JCB*