

SELF-INSURING EMPLOYERS EVALUATION BOARD

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

John R. Kasich, *Governor*

INFORMAL CONFERENCE FINDINGS

IN THE MATTER OF:

Tenneco Automotive Operating, Inc. (Employer), Risk No. 20003541-01

and

[REDACTED] (Claimant), Claim Nos. [REDACTED]

Complaint Nos. 17182 & 17183

[REDACTED]
Stewart Jaffy
306 East Gay St.
Columbus, OH 43215

Tenneco Automotive Operating, Inc.
33 Lockwood Rd.
Milan, OH 44846

Dinsmore & Shohl
191 W. Nationwide Blvd. Ste. 300
Columbus, OH 43215

On January 14, 2011, [REDACTED] (Claimant) filed Complaint Nos. 17182 & 17183 against Tenneco Automotive Operating, Inc. (Employer). On February 10, 2011, the Self-Insured Department of the Bureau of Workers' Compensation (BWC) found the complaints to be invalid. On February 10, 2011, Claimant filed a request for reconsideration. On June 28, 2011, BWC's Director of Business Development and Analysis upheld the finding of invalid complaints.

On July 7, 2011, the Claimant filed an appeal of BWC's finding of invalid complaints. On July 22, 2011, a "Notice of Presentation to the Self-Insuring Employers Evaluation Board" was sent to the parties. This matter then came before the Self-Insuring Employers Evaluation Board on November 21, 2011. The relevant history giving rise to the complaint is set forth below.

In Claim No. 04-838494, the Claimant was injured when a vacuum hoist rail fell and struck him on the head. The claim was allowed for Sprain of Neck; Sprain Left Shoulder; Open Wound of Head NEC; Post Concussion Syndrome; Mild Traumatic Brain Injury; and Adjustment Disorder with Depressed Mood, Chronic. The Complaint revolves around the Employer's alleged non-payment of medical bills from James E. Lundeen, MD.

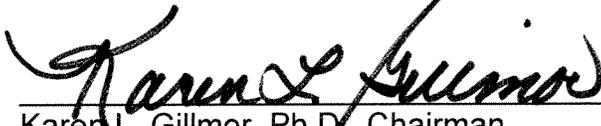
In Claim No. 07-813651, the Claimant was injured when he was pulling bales apart and heard and felt a pop in his left shoulder with pain immediately following. The claim was allowed for Left Shoulder Strain; Left Glenoid Labrum Tear; Left Bicipital Tenosynovitis; Left Shoulder Acromioclavicular Separation

According to the SI-28 complaint, the Employer has paid Dr. Lundeen for many of the bills that were submitted. But the Employer has not paid Dr. Lundeen for other bills that were submitted, contending that the Employer could not pay those bills because of the need for a "physical address" in order to process the bill. The information provided demonstrated that the Employer paid bills dated before and after the ones at issue herein.

The Employer did not contest the services that were the subject of the bills. The Employer did not contest its obligation to pay the bills that were submitted. The Employer only expressed its "need of 'physical address' in order to process bill." See e-mail from Claire Gillispie of Specialty Risk Services, LLC, on behalf of the Employer, to Nancy Maag, BWC Self-Insured Auditor, dated February 4, 2011. The Employer asked the "Provider," i.e., Dr. Lundeen, to resubmit "the bill for payment with updated physical address." Id. Thus, the Employer was not denying payment of the bills in question. The Employer was merely delaying payment beyond the 30-day requirement in Ohio Adm. Code 4123-19-03(K)(5).

Therefore, based on the foregoing, the Self-Insuring Employers Evaluation Board hereby grants the appeal filed by Claimant [REDACTED] on July 7, 2011, vacates BWC's finding of invalid complaints, and finds as valid Complaint Nos. 17182 and 17183 filed by Claimant [REDACTED] on January 14, 2011.

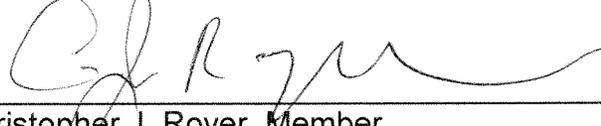
SELF-INSURING EMPLOYERS EVALUATION BOARD



Karen L. Gillmor, Ph.D., Chairman YES



Gary E. Lucas, Member YES



Christopher J. Royer, Member YES

DATE MAILED: 26th DAY OF April, 2012