

SELF-INSURING EMPLOYERS EVALUATION BOARD

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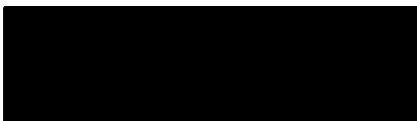
IN THE MATTER OF:

Dollar General Corporation (Employer), Risk No. 20004277

and

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

Complaint No. 18002



Dollar General Corporation
100 Mission Rdg.
Goodlettsville, TN 37072

Brian G. Fallon
1370 Ontario Street, Ste. 1640
Cleveland, OH 44113-1744

Reminger & Reminger
101 W. Prospect Ave., Ste. 1400
Cleveland, OH 44115-1093

On July 23, 2013, ██████████ (Claimant) filed a form SI-28, Filing of an Allegation Against a Self-Insured Employer, against Dollar General Corporation (Employer). On August 5, 2013, the Employer's representative submitted its response to the Bureau of Workers' Compensation (BWC).

On August 20, 2013, BWC's Self-Insured Complaint Resolution Unit sent a letter finding the complaint to be valid, but resolved, since certain bills "have currently been paid but were not paid in a timely manner per the DHO hearing date." On September 3, 2013, the Employer's representative filed a request for reconsideration. On November 13, 2013, a Notice of Request for Reconsideration was sent to all interested parties. On October 9, 2013, BWC's Chief of Field Operations upheld the finding that the complaint was valid.

On October 28, 2013, the Employer filed an appeal of BWC's finding of a valid complaint. The Employer requested that BWC's determination be reviewed by the Self-Insuring Employers Evaluation Board (SIEEB). On November 18, 2013, 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 December 11, 2013.

Relevant History of the Complaint:

On April 20, 2010, the Claimant, a Store Manager for the Employer, was struck in the back of his neck by the front panel of a metal rolltainer when it came off its post.

On July 23, 2013, the Claimant filed a form SI-28, Filing of an Allegation Against a Self-Insured Employer, against the Employer, alleging the Employer:

- "takes 2-3 days to give a response"
- "did not cut a check for the week of the 4th"
- "went 3 weeks without paying me"
- "waited a year and a half to pay Dr. Stern"
- "2 weeks to fax my attorney the list of payments"

On August 5, 2013, the Employer's representative responded to the Complaint as follows:

- "Claimant's dissatisfaction with sometimes having to wait two days to receive a return phone call to advise him of the status of his payments does not rise to the level of a self-insured violation."
- "Payment for the July 4 – July 10 period was mailed out on July 8, 2012, which was a Monday."
- "TTD benefits were entirely paid up-to-date." & "These benefits have never been not paid."
- "Additionally, claimant makes references to a physician, Dr. Kenneth Stern" & "As of July 19, 2013, Dr. Stern's last invoice was paid in full."

On August 20, 2013, BWC sent a "Valid Resolved" letter for the only issue it found valid, stating:

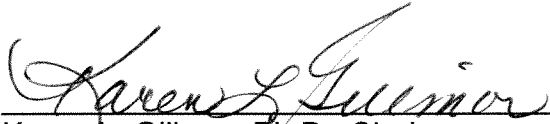
- "Our investigation reveals a DHO hearing was heard on 03/07/2013 that granted the C-86 Motion filed by the Injured Worker on 02/07/2012."
- "A letter was received dated July 15, 2013 from the Injured Workers [sic] Rep stating the medical bills still have been unpaid."

The DHO hearing that took place on March 7, 2013, ordered the self-insuring employer to pay for treatment. A letter received on July 15, 2013 stated that medical bills were still unpaid. This evidence showed a lack of timeliness. The bills referred to in the DHO order following the March 7, 2013 hearing were paid by July 19, 2013, according to information supplied by both representatives. Consequently, the payment issue was resolved before BWC's letter was issued on August 20, 2013.

DETERMINATION:

Therefore, based on the foregoing, the Self-Insuring Employers Evaluation Board hereby denies the appeal filed by the Employer [Dollar General Corporation] on October 28, 2013, and finds Complaint No. 18002 filed by Claimant [REDACTED] against the Employer [Dollar General Corporation] on July 23, 2013, is valid and resolved.

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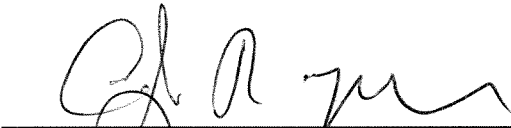
Karen L. Gillmor, Ph.D., Chairman

YES



Gary E. Lucas, Member

YES



Christopher J. Royer, Member

YES

DATE MAILED: 3rd DAY OF April, 2014