

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:

Columbus Distributing Co. (Employer), Risk No. 20004308

and

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

Complaint No. 17917

████████████████████
The Columbus Distributing Company
4949 Freeway Dr. E
Columbus, OH 43229

Donaldson Law Offices LPA
233 Marion Ave.
Mansfield, OH 44903-2111

Careworks Consultants, Inc.
5500 Glendon Ct., Ste. 300
Dublin, OH 43016-3246

Michael Soto
1001 Eastwind Drive, Ste. 203
Westerville, OH 43081-3360

On April 2, 2013, ██████████ (Claimant) filed a form SI-28, Filing of an Allegation Against a Self-Insured Employer, against The Columbus Distributing Company (Employer). On April 16, 2013, the Employer's representative submitted its response to the Bureau of Workers' Compensation (BWC).

On May 3, 2013, BWC's Self-Insured Complaint Resolution Unit sent a letter finding the complaint to be valid and unresolved since Temporary Total Disability benefits were incorrectly terminated. By a letter dated May 22, 2013, the Employer's representative filed a request for reconsideration. On May 23, 2013, a Notice of Request for Reconsideration was sent to all interested parties. On August 27, 2013, BWC's Chief of Field Operations upheld the finding that the complaint was valid. By a letter dated September 16, 2013, the Employer filed an appeal of BWC's finding of a valid complaint.

On November 13, 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.

DATE MAILED: 3rd DAY OF April, 2014

Relevant History of the Complaint:

On February 23, 2011, the Claimant, a Delivery Driver for the Employer, was trying to move a full keg from the front to the middle of a trailer. The keg did not move initially. When it did release, the Claimant strained his right shoulder.

On April 2, 2013, the Claimant filed a form SI-28, Filing of an Allegation Against a Self-Insured Employer, against the Employer, alleging the following:

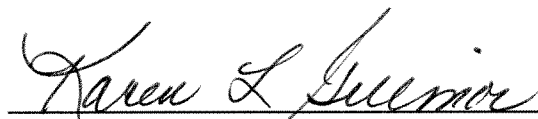
Claimant was receiving TTD but on 3/21/13 the TPA, Careworks Consultants, sent a letter indicating they were denying his most recent medco-14[.] * * * The employer through its representative refuses to pay TTD which is contrary to established law and State ex rel. Russell. When contacted, the TPA simply said here "hands are tied" and she would not reinstate payment.

The central issue in the Complaint is the Employer's refusal to pay Temporary Total Disability benefits to the Claimant after denying his MEDCO-14 for the allowed conditions in the claim. On May 3, 2013 and May 17, 2013, BWC's Self-Insured Complaint Resolution Unit sent letters indicating that Temporary Total Disability benefits were incorrectly terminated by the Employer and instructing the Employer make payment to the Claimant. The letters cited the Employer as violating Ohio Adm.Code 4121-3-32 through its actions. Thus, the Complaint is valid. After two reminders, the Employer paid the withheld benefits. Consequently, the payment issue has been resolved.

DETERMINATION:

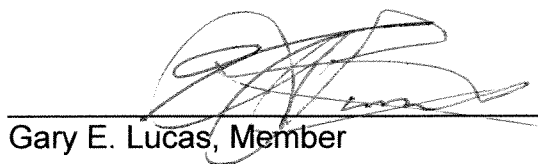
Therefore, based on the foregoing, the Self-Insuring Employers Evaluation Board hereby denies the appeal filed by the Employer [The Columbus Distributing Company] on October 28, 2013, and finds Complaint No. 17917 filed by Claimant [REDACTED] against the Employer [The Columbus Distributing Company] on April 2, 2013, is valid and resolved.

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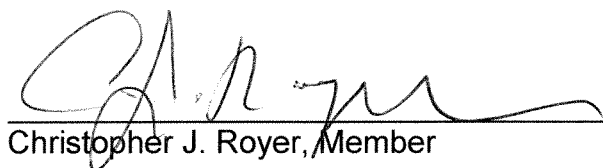
Karen L. Gillmor, Ph.D., Chairman

YES



Gary E. Lucas, Member

YES



Christopher J. Royer, Member

YES