

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:

J.B. Hunt Transport, Inc. (Employer), Risk No. 20003811-0

and

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

Complaint No. 17908



J.B. Hunt Transport, Inc.
615 J.B. Hunt Corporate Drive
Lowell, AR 72745

James A. McDermott, Atty.
6400 Salisbury Road # 209
Maumee, OH 43537-9795

AIG Int'l, Inc.
500 W. Jefferson St. Ste. 2200
Louisville, KY 40202-2818

Reminger Company LPA
One Seagate, Ste. 1600
Toledo, OH 43604-1576

On March 20, 2013, ██████████ (Claimant) filed a form SI-28, Filing of an Allegation Against a Self-Insured Employer, against J.B. Hunt Transport, Inc. (Employer). On April 25, 2013, the Employer's representative submitted its response to the Bureau of Workers' Compensation (BWC).

On April 23, 2013, BWC's Self-Insured Complaint Resolution Unit found the complaint to be invalid based on the evidence submitted by the Claimant and/or his representative. On May 10, 2013, Claimant filed a request for reconsideration. The Employer's representative requested that the Claimant's request for reconsideration be dismissed. On August 9, 2013, BWC's Chief of Field Operations upheld the finding that the complaint was invalid.

On September 3, 2013, the Claimant filed an appeal of BWC's finding of an invalid complaint. The Claimant requested that BWC's determination be reviewed by the Self-Insuring Employers Evaluation Board (SIEEB). On November 14, 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 January 10, 2013, the Claimant, a Truck Driver for the Employer, was reaching overhead inside the trailer trying to close the door on the semi. As he grabbed hold of the strap to close the door, the door "caught"; the Claimant heard a pop in his right shoulder and felt instant pain. He got down from the truck and the door and tried to shake off the pain. As he continued to the next job, the pain began to spiral into his arm, and he pulled the truck over to the side of the road and called work.

On March 3, 2013, the Claimant filed a form SI-28, Filing of an Allegation Against a Self-Insured Employer, against the Employer, alleging the following:

C-84 filed more than a month ago: no response. IW [Injured Worker] has not been paid for any day which he was unable to work at all pursuant to MEDCO-14 and/or other physician's document. To date, IW has received ~~\$746.05~~ 453.09 – total since DOI [Date Of Injury] – via employer and Helmsman [Helmsman Management Services].

Employer, via Helmsman, failed to submit FROI-1 for more than four (4) weeks and did so only after IW contacted BWC and a BWC claim was commenced (IW had been led to believe that a claim number which is foreign to BWC was in fact his "BWC" claim number and that he was communicating with "BWC" when he was in fact communicating with Helmsman).

The Claimant alleged that he had not been paid for any day for which he was unable to work at all pursuant to MEDCO-14 and/or other physician's document. The Employer provided documentation showing wages paid weekly for the pay periods ending 01/05/2013 through 03/21/2013. The documentation contradicts the Claimant's allegations of non-payment.

DETERMINATION:

Therefore, based on the foregoing, the Self-Insuring Employers Evaluation Board hereby denies the appeal filed by the Claimant [REDACTED] on September 3, 2013, and dismisses as invalid Complaint No. 17908 filed by Claimant [REDACTED] against the Employer [J.B. Hunt Transport, Inc.] on March 20, 2013.

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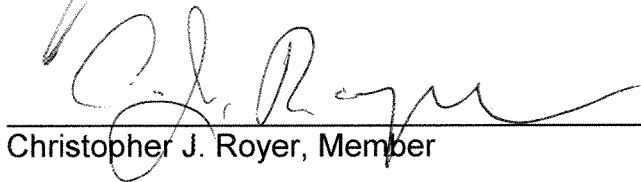
Karen L. Gillmor, Ph.D., Chairman

YES



Gary E. Lucas, Member

YES



Christopher J. Royer, Member

YES

DATE MAILED: 3rd DAY OF April, 2014