

SELF-INSURING EMPLOYERS EVALUATION BOARD

Karen L. Gillmor, Ph.D., *Chairman*
Christopher J. Royer, *Member*
Carol A. Wilson, *Member*

John R. Kasich, *Governor*

SELF-INSURING EMPLOYERS EVALUATION BOARD

IN THE MATTER OF:

Healthcare Facilities Staffing (Employer), SI #20005514-21

and

[REDACTED] (Injured Worker), Claim No. [REDACTED]

Complaint No. 18563

[REDACTED]
Rush Elliott
P.O. Box 37
Canfield, OH 44406

Healthcare Facilities Staffing
8064 South Avenue
Boardman, OH 44512

CareWorksComp
5500 Glendon Court, Suite 300
Dublin, OH 43016

On January 7, 2016, [REDACTED] (Injured Worker) filed a complaint against Healthcare Facilities Staffing (Employer). On February 2, 2016, the Self-Insured Complaint Resolution Unit (SI Department) of the Bureau of Workers' Compensation (BWC), after investigation of Complaint No. 18563, issued a letter finding the Complaint was valid and unresolved. On February 17, 2016, the SI Department received payment verification from the Employer's representative confirming compliance with the order, issued February 26, 2015, by the Industrial Commission's District Hearing Officer; the complaint was then updated to valid and resolved.

On February 22, 2016, the Employer's representative filed a request for reconsideration of the finding of a valid complaint. On March 31, 2016, BWC's Central Service Office Manager upheld the SI Department's decision and found the complaint to be valid.

On June 16, 2016, the Employer filed an appeal of BWC's finding of a valid complaint to the Self-Insuring Employers Evaluation Board (SIEEB). On June 16, 2016, 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 July 13, 2016.

Relevant History of the Complaint:

On February 17, 2013, the Injured Worker injured her left foot when she slipped on a wet floor, fell, and landed with her left foot underneath her. She filed a claim for benefits that was allowed for LEFT FOOT CONTUSION; LEFT FOOT STRAIN; AND TENOSYNOVITIS FLEXOR LONGUS, LEFT FOOT.

On December 22, 2015, the Injured Worker filed a C-9, "Request for Medical Service Reimbursement or Recommendation for Additional Conditions for Industrial Injury or Occupational Disease." She was requesting that the claim be additionally allowed for LEFT TARSA TUNNEL SYNDROME.

The Injured Worker was receiving ongoing temporary total disability compensation based upon a MEDCO-14 from John Flauto, DPM, certifying temporary total disability through 12/1/2015. A MEDCO-14 from Dr. Flauto dated 12/17/2015, and filed 12/21/2015, certified temporary total disability from 12/1/2015 – 3/1/2016. The Employer did not resume payment of temporary total disability compensation upon receipt of the 12/17/2015 MEDCO-14.

On January 6, 2016, the Injured Worker filed a C-86 Motion requesting that she be granted temporary total disability compensation. The Motion stated that the Injured Worker "has been on temporary total and submitted proof of ongoing disability wherein the self-insured employer has refused these benefits." On January 7, 2016, BWC referred the claim to the Industrial Commission for consideration of the C-86 Motion based on the Employer's rejection of the Injured Worker's request.

Also on January 7, 2016, the Injured Worker filed the complaint currently before SIEEB against the Employer alleging that the Injured Worker was receiving temporary total disability compensation, she submitted documentation for an extension of the benefits, but the Employer refused to extend the benefits.

The claim was directed to a hearing before a District Hearing Officer. The District Hearing Officer order was issued on February 11, 2016; the claim was additionally allowed for LEFT TARSA TUNNEL SYNDROME, and temporary total disability compensation was awarded from December 1, 2015 through February 4, 2016, and to continue upon submission of medical. No appeal was filed.

On February 13, 2016, the Employer paid temporary total disability compensation for the period from December 1, 2015 to February 4, 2016. On February 17, 2016, the Employer provided a copy of the warrant to the Bureau of Workers' Compensation.

R.C. 4123.56(A) provides in relevant part as follows:

In the case of a self-insuring employer, payments shall be for a duration based upon the medical reports of the attending physician. If the employer disputes the attending physician's report, payments may be terminated only upon application and hearing by a district hearing officer pursuant to division (C) of section 4123.511 of the Revised Code.

Ohio Adm.Code 4121-3-32(B)(1) provides that a self-insured employer may terminate temporary total disability without a hearing in the event of any of the following:

- (a) The employee returns to work.
- (b) The employee's treating physician finds that the employee is capable of returning to his former position of employment or other available suitable employment.
- (c) The employee's treating physician finds the employee has reached maximum medical improvement.

None of the foregoing conditions were met by the Employer. Thus, the finding that the complaint is valid is accurate.

On February 17, 2016, the Employer provided a copy of the warrant showing the temporary total disability compensation for the period from December 1, 2015 to February 4, 2016, had been paid. Thus, the finding that the complaint is resolved is accurate.

DETERMINATION:

Therefore, based on the foregoing, the Self-Insuring Employers Evaluation Board hereby finds the Employer (Healthcare Facilities Staffing) terminated payment of ongoing temporary total disability compensation without any of the required conditions of R.C. 4123.56(A) or Ohio Adm.Code 4121-3-32(B)(1) being met. After the initial finding of a valid and unresolved complaint, the Injured Worker was paid for the periods in question. Therefore, Complaint No. 18563, filed by the Injured Worker ([REDACTED]) against the Employer (Healthcare Facilities Staffing) on January 27, 2016, is valid and resolved.

SELF-INSURING EMPLOYERS EVALUATION BOARD:

Karen L. Gillmor 8-11-16
Karen L. Gillmor, Chairman YES

Christopher J. Royer 8/12/16
Christopher J. Royer, Member YES

Carol A. Wilson 8/12/16
Carol A. Wilson, Member YES

DATE MAILED: 15th DAY OF August, 2016