

SELF-INSURING EMPLOYERS EVALUATION BOARD

Karen L. Gillmor, Ph.D., *Chairman*
Carol A. Wilson, *Member*
Steven J. Hatton, *Member*

John R. Kasich, *Governor*

SELF-INSURING EMPLOYERS EVALUATION BOARD

IN THE MATTER OF:

AT&T Teleholdings, Inc. (Employer), Risk No. 20005184

and

[REDACTED] (Injured Worker), [REDACTED]

Complaint No. 18742

[REDACTED]

AT&T Teleholdings, Inc.
100 Papercraft Park
Pittsburgh, PA 15238

Mark Adams
1110 Beecher Xing N., Suite D
Columbus, OH 43230

Porter Wright
Attn: Rebecca Kopp Levine
950 Main Ave., Suite 500
Cleveland, OH 44113

On January 19, 2017, [REDACTED] (Injured Worker) filed a self-insured complaint against AT&T Teleholdings, Inc. (Employer) alleging that the Employer did not properly or timely pay ordered Temporary Total (TT) Disability Benefits following receipt of a District Hearing Officer (DHO) hearing order on December 28, 2016.

By a letter dated February 7, 2017, the Employer submitted to the Self-Insured Complaint Resolution Unit (SI Department) of the Bureau of Workers' Compensation (BWC) the Employer's response to the Injured Worker's Complaint.

On February 16, 2017, the SI Department, after completing its investigation of Complaint No. 18742, issued a letter finding the Complaint was valid.

By a letter dated February 23, 2017, the Employer submitted to the SI Department the Employer's request for reconsideration of the finding of a valid complaint.

By a letter dated June 19, 2017, BWC's Central Service Office Manager affirmed the SI Department's decision and found the complaint to be valid.

By a letter dated June 30, 2017, the Employer's representative submitted its appeal of the SI Department's finding of a valid complaint and requested that the appeal of the complaint be directed to the Self-Insuring Employers Evaluation Board (SIEEB).

This matter came before the Self-Insuring Employers Evaluation Board on September 25, 2017.

Relevant History of the Complaint:

On November 30, 2015, the Injured Worker sustained the injury herein. While getting out of a truck, the Injured Worker sustained pain in his right leg. On that same date, a FROI-1 First Report of an Injury, Occupational Disease, or Death was filed with BWC; the FROI-1 was not signed by the Injured Worker or any representative.

On December 29, 2015, BWC issued an Order dismissing the claim application due to a lack of supporting medical documentation. The decision was based on a "lack of evidence on file including no signed First Report of Injury."

On February 9, 2016, the Employer's letter denying certification of the claim was filed. The claim was set before a District Hearing Officer of the Industrial Commission on March 9, 2016.

On March 7, 2016, the Injured Worker requested cancellation of the March 9, 2016 hearing before the District Hearing Officer. The Injured Worker stated that he wanted to withdraw the matter and reserve the right to refile it. On March 9, 2016, an Ex Parte order was filed memorializing the withdrawal.

On September 6, 2016, the Injured Worker filed a C-86 Motion requesting "that the FROI-1 filed on November 30, 2015 and dismissed on March 7, 2016 be re-filed and the claim processed accordingly." On that same date, BWC referred the claim to the Industrial Commission to consider the C-86 Motion; the referral was based on the Employer's rejection of the Injured Worker's Motion.

The Motion was heard by a District Hearing Officer of the Industrial Commission. The District Hearing Officer's order was issued on December 24, 2016. The District Hearing Officer found that the Injured Worker was working in his truck when he stepped off the vehicle down to the ground; the step off was backwards; when the Injured Worker hit the ground and turned to walk away, he felt severe pain into his buttock and right leg. The District Hearing Officer's order stated that the claim was ALLOWED for SUBSTANTIAL AGGRAVATION OF PRE-EXISTING RADICULOPATHY. Under the order, Temporary Total Disability Compensation was awarded from December 01, 2015 through July 28, 2016. The Injured Worker returned to work without restrictions on July 29, 2016.

The Injured Worker received sickness and accident benefits while the claim was being adjudicated, but the benefits were not equal to the amount of TT owed by the Employer. The District Hearing Officer order was mailed to the Employer on December 24, 2016. The Employer's appeal of the order noted receipt on December 28, 2016. The Employer issued payment to the Injured Worker for the balance owed on January 20 and 24, 2017.

On January 19, 2017, the Injured Worker filed the self-insured complaint herein against the Employer alleging that the Employer did not properly or timely pay ordered Temporary Total Disability Benefits following receipt of the District Hearing Officer order on December 28, 2016.

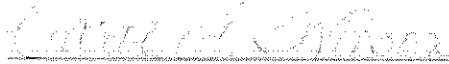
The Injured Worker withdrew the complaint as part of a settlement agreement, which was deemed approved by the Industrial Commission on September 11, 2017. Therefore, this Board is without jurisdiction to address the SI Complaint before SIEEB.

DETERMINATION:

The Injured Worker withdrew the complaint as part of a settlement agreement, which was deemed approved by the Industrial Commission on September 11, 2017. As a result, there are no issues to be addressed before SIEEB. Therefore, Complaint No. 18742 is hereby dismissed.

SELF-INSURING EMPLOYERS EVALUATION BOARD:


Karen L. Gillmor, Chairman YES


Carol A. Wilson, Member YES


Steven J. Hatton, Member YES

DATE MAILED: 29th DAY OF March, 2018