

Handicap Reimbursement

BWC encourages employers to hire and retain an employee with a handicapped condition. To help offset the challenges handicapped persons often experience in the job market, we offer the Handicap Reimbursement program as a means for employers to reduce their claims experience costs.

For workers' compensation, Ohio law defines a handicapped employee as one who is afflicted with or subject to a physical or mental impairment, whether congenital or due to an injury or disease, such that the impairment constitutes a handicap in obtaining employment or re-employment.

Under Ohio Revised Code (ORC) 4123.343 the impairment must be due to one of the 25 eligible diseases or conditions the Ohio law recognizes. Some of these include arthritis, ankylosis, diabetes, cardiac disease and epilepsy.

Filing for handicap reimbursement

If a handicapped employee suffers a lost-time industrial injury/occupational disease or death and files an allowed workers' compensation claim, the employer may apply for reimbursement of claims costs by filing an *Application for Handicap Reimbursement* (CHP4-A). The employer must file the CHP4-A while the claim is within the employer's experience period. The rules for filing an application are listed in Ohio Administrative Code (OAC) 4123-3-35.

Private, state-fund employers

For claims with a date of injury on or before Dec. 31, 2009, private, state-fund employers must file handicap reimbursement applications by June 30 of the year no more than six years from the date of the injury or occupational disease.

For claims with a date of injury on or after Jan. 1, 2010:

If the date of injury is between Jan. 1 and June 30, private, state-fund employers must file handicap reimbursement applications by June 30 of the year no more than six years from the year of the date of injury or occupational disease;

If the date of injury is between July 1 and Dec. 31, private, state-fund employers must file handicap reimbursement application by June 30 of the year no more than seven years from the year of the date of the injury or occupational disease.

Public employer

For claims with a date of injury on or before Dec. 31, 2009, public employer taxing districts must file handicap reimbursement applications by Dec. 31 of the year no more than five years from the year of the date of the injury or occupational disease.

For claims with a date of injury on or after Jan. 1, 2010, public-employer taxing districts must file handicap reimbursement applications by Dec. 31 of the year no more than six years from the year of the date of the injury or occupational disease.

Self-insuring employers

Effective Sept. 29, 2015, self-insuring employers are no longer eligible to participate in the handicap reimbursement program.

Handicap reimbursement eligibility

To be eligible for handicap reimbursement, the employer does not have to show he or she was aware of the employee's handicap at the time of hiring or prior to filing of the claim.

However, the employer must show the handicapped condition pre-existed the date of injury, and that it either caused the claim or contributed to increased costs or a delay in recovery. In addition, BWC must have paid one of the following kinds of compensation in the claim: temporary total, permanent total disability, scheduled loss awards, death benefits or wages in lieu of temporary total compensation (salary continuation).

Settlement of a claim does not affect an employer's right to have a handicap reimbursement application considered.

Once granted, BWC applies the handicap reimbursement award to the following claims awards and reserves: temporary total, permanent total disability, scheduled loss awards, death benefits, medical payments, claims reserves and lump sum settlements with dates specified in OAC 4123-3-35(B)(2)(e).

Processing the application

BWC processes the application, and a BWC attorney conducts a conference to determine whether we should charge a percentage of the claim's costs to the statutory surplus fund instead of the employer's experience.

If BWC grants the application, it makes the appropriate adjustment to the employer's experience calculation. BWC initially approves or denies applications. However, the employer has the right to appeal BWC's determination to the Ohio Industrial Commission within 14 days of the administrator's decision.

CHP4-A applications must be hand-delivered to the BWC Customer Service Center located on the first floor of the William Green Building in Columbus or mailed to BWC, Attn: Handicap Reimbursement Unit, 30W. Spring St, 26th Floor, Columbus, OH 43215-2256.

For more information

Call 1-800-644-6292 or 466-6600, and listen to the options. You can also send an e-mail with your handicap reimbursement question to handreimbquest@bwc.state.oh.us. Visit BWC on the Internet at www.ohiobwc.com.