

Claims Hearing Process

BWC makes initial decisions to allow or deny all state-fund workers' compensation claims. If the injured worker or employer disagrees with our decision, either party may appeal the decision to the Ohio Industrial Commission (IC), which resolves the dispute.

For medical disputes, the managed care organization has 21 days from the date of receipt of a written appeal to complete the alternative dispute resolution (ADR) process and submit its recommended ADR to BWC electronically. Within two days, BWC issues an administrative decision. If an injured worker or employer disagrees with our decision, either party may appeal the decision to the IC.

Important information

There are three appeal levels for workers' compensation claims: district hearing officer level, staff hearing officer level and the commission.

District level

If the injured worker or employer contests a decision by BWC on a workers' compensation claim, an IC district hearing officer hears the appeal. District hearings take place at 12 locations throughout Ohio. The IC holds a hearing at the IC customer service office nearest to the injured worker's residence. District hearings take place within 45 days of the filing of the appeal.

The district hearing officer may issue a decision within seven days of the hearing. The IC sends the injured worker, employer, BWC and authorized representatives a written notice, called an order, of the district hearing officer's decision.

Appeal process

The law guarantees injured workers and employers the right to appeal a district hearing officer's decision to a higher level, the staff hearing officer. The dissatisfied party must appeal the decision within 14 days of receipt of the decision by filing a *Notice of Appeal* (IC-12) with the IC. You can obtain an appeal form by calling (614) 466-6136, or by accessing the forms section on the IC Web site, www.ic.ohio.gov. You may also file most appeals at www.ic.ohio.gov

Staff level

Staff hearings take place within 45 days of an appeal of the district level decision. The procedure is much the same as a district hearing. The staff hearing officer will ask both parties to present their views, including any evidence and witnesses.

The staff hearing officer may issue a decision within seven days of the hearing. The IC sends the injured worker, employer, BWC and authorized representatives a written notice of the staff hearing officer's decision.

Each party has 14 days from receipt of the staff hearing officer's decision to file an appeal to the next level, the commission, by submitting the IC-12.

Commission level

After reviewing the facts presented in the appeal, the commission either will agree or refuse to hear the claim. The commission hearing will occur within 45 days of the appeal. The commission may issue a decision within seven days of the hearing.

Beyond the commission

In some cases, either party may bring further action before a Court of Common Pleas. Either party may take this action after he or she exhausts all IC appeal levels. One of the parties must file a notice of appeal within 60 days from the receipt of the IC findings.

Hearings before the IC

Hearings before the IC are informal in nature and legal representation is not required. Parties, however, may choose to have an attorney or other authorized person represent them.

The injured worker and employer should bring all evidence relating to the claim, including medical records, written statements of witnesses or other documentation and information on the case, to hearings. Be prepared to furnish two copies of your reports — one for the hearing officer and one for the opposing side — while keeping the originals for yourself.

For more information, call the IC at (800) 521-2691 or (614) 466-6136, or log on to www.ic.ohio.gov.

In addition, you can access the IC's *Fact Sheet: Pre-Hearing Procedures* at http://www.ic.ohio.gov/news/factsheet_pdfs/prehearing_fs.pdf and the *Fact Sheet: The Hearing Process* at http://www.ic.ohio.gov/news/factsheet_pdfs/hearing_process_fs.pdf.

If you have questions about the claims hearing process, log onto www.bwc.ohio.gov, or call 1-800-466-6292.