

# **A Legal Overview of Ohio Workers' Compensation**

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## A legal overview of Ohio Workers' Compensation

This material contains six separate, but related, topics. First provides a brief summary of key legal issues in Ohio since the creation of the statute-based workers' compensation system in 1911. Second provides a summary of current Ohio workers' compensation laws, focusing on claims allowance disputes that arise between employers and their employees. Third provides a brief summary of how the workers' compensation appellate process flows through both the administrative alternative dispute resolution process and Ohio's court system. Fourth is a listing of key court rulings from the Ohio Supreme Court and selected Courts of Appeals, from January 2010 to the present, related to workers' compensation. Fifth is a brief summary of the services the Workers' Compensation Ombuds Office can provide to you and your organization. Sixth is a listing of the most common abbreviations used by BWC, the Industrial Commission, third party administrators, managed care organizations, and medical providers, and can be used a reference source.

### 1. Ohio Workers' Compensation Overview

Prior to 1911, for an employee to receive compensation for a workplace injury, they had to file a tort claim in court against their employer, alleging that the employer was somehow negligent. The injured worker then had the burden of proving this negligence was the legal cause of the injury. Defending against the tort lawsuit, the employer could raise several very effective affirmative defenses against the employee. The employer's affirmative defenses included:

**Assumption of the risk** – The employer asserted it was not legally liable for the injury because the employee assumed the risk of harm when they started working for the employer;

**Fellow servant doctrine** – The employer maintained that the injury was actually caused by the negligent actions of a co-worker, not the employer directly. Therefore, any tort lawsuit must be brought against the co-worker, and not against the employer;

**Contributory negligence** – The employer asserted it was

not negligence on the part of the employer that led to the workplace injury, but instead the injury was legally caused by the employee's own negligent misconduct.

These three affirmative defenses, when raised by an employer in a workplace injury tort lawsuit, were very effective, and most injured workers – unable to return to the workplace – were left without any wage replacement or coverage for medical expenses. In the few rare instances when injured workers did prevail in their tort lawsuits, they often received large punitive damages awards that bankrupted their employers. By the early 1900s, society realized that this all-or-nothing lottery approach to on-the-job injuries did not really benefit either labor or management, and an alternative system was developed, the basic legal concepts which are still in place in Ohio today.

These courtroom battles between employees and employers – including allegations of negligence and counterclaims of contributory negligence – ended in Ohio in 1911 with the creation of a statutorily based workers' compensation system, one that is both no-fault and exclusive remedy. Ohio's alternative dispute system for resolving workplace injuries is a no-fault system, which involves some fundamental tradeoffs between employers and their Ohio employees. This no-fault tradeoff means **injured workers give up the right to bring a tort lawsuit** against their employer for negligence and cannot receive awards for pain & suffering, and other punitive damages. In exchange, employers can no longer raise the affirmative defenses of assumption of the risk, fellow servant doctrine, and contributory negligence.

The system for handling workplace injuries in Ohio is also an exclusive remedy system, based on how disputes proceed, both initially and on appeal. All workers' compensation claims must initially be filed with the Bureau of Workers' Compensation (BWC) or Industrial Commission (IC), not directly into court. Only after a workers' compensation dispute has totally worked its way through the administrative system of BWC and IC can a party appeal a disputed legal matter into Ohio's court system. There is no such thing as common law workers' compensation; therefore, guidance on handling Ohio workplace injury disputes comes primarily from Ohio Revised Code, primarily ORC Sections 4121 - 4131, Ohio Administrative Code (OAC), primarily OAC Sections 4121 - 4125, and Ohio Supreme Court decisions.

## 2. Claim Allowance Legal Issues

When an injured worker files a claim, under Ohio law they must prove four legal elements for the claim to be allowed.

### **All four elements must be proved by the employee.**

Conversely, if an employer is challenging the allowance of a claim, and is successful in disproving any one of these four elements, the claim should be denied. These key elements include:

#### **1. Employer/employee relationship**

Ohio workers' compensation law clearly requires that an employer/employee relationship must legally exist, before a workers' compensation claim can be allowed. While not often under dispute, this issue becomes contested if labor leasing, temps, interns, professional employer organizations and/or independent contractors enter the workforce equation.

This topic, of properly classifying an individual as either employee or independent contractor, has become a hot legal area today. Both the Federal and State Governments have recently announced increased enforcement efforts to combat what is perceived to be fraudulent classifications of workers as independent contractors. Such classifications avoid the employer paying workers' comp premiums, Social Security & FICA, payroll taxes, and also avoid Federal employment laws such as ADA, FMLA, and FLSA. Areas of increased compliance include, but are not limited to, trucking and construction.

#### **2. Accidental in character and result**

Ohio law states that for a workers' compensation claim to be compensable, the injury must be "accidental in character and result." Ohio courts have long struggled to provide a clear definition of this phrase, but remember that contributory negligence by the employee cannot be used as an employer defense. Lack of common sense, failure to follow work rules, inattention to detail, and other similar actions by an employee cannot be raised by the employer, when challenging the allowance of a workers' compensation claim, because Ohio is a no-fault state.

#### **3. In the course of employment**

Ohio law states that for a workers' compensation claim to be allowed, the injury must have occurred "in the course of employment." If the employee was "on the clock" when the accident happened, then this element has clearly been

met. However, many fact patterns are not so clear cut, and many exceptions to this legal requirement arise, including parking lots, employee breaks, combined business and personal activities, and commuting to & from work. Key to commuting injuries is understanding the "Coming & Going Rule"; which holds that routine commuting to & from a fixed-situs employer is not in the course of employment.

#### **4. Arising out of the employment**

Ohio law states that for a workers' compensation claim to be allowed, the injury must have occurred "arising out of the employment." This legal requirement has generally been interpreted to mean that a risk or hazard directly related to the employment was the actual cause of the workplace injury. Disputes in this area generally arise in one of three scenarios:

**Toxic exposure**, such as silicosis or asbestosis, that often have very long latency periods;

**Repetitive motion trauma**, such as rotator cuff syndrome or carpal tunnel syndrome;

**Heart attacks and strokes**, if they occur while on the workplace premises.

#### **Other Common Legal Issues Related to Employees –**

Along with the four burden of proof elements listed above, other legal issues that an injured worker and/or employer might have to contend with, related to allowance of a claim, include:

#### **Worker intoxication**

Mixing drugs, alcohol, and the workplace can be a bad combination. Ohio courts have struggled with how an employee's impairment should impact eligibility for workers' compensation benefits, and under current Ohio law, impairment at the time of injury may be grounds for denying a claim, but is not always so. The legal concept of rebuttable presumption holds that an IW has to overcome the burden of proof that drug and/or alcohol related impairment was the proximate cause of the work-place injury, and that the claim should be denied.

#### **Recreational activities**

The star center fielder on the company softball team breaks his wrist diving for a fly ball. Is this a workers' comp claim? If the accident occurs during a company-sponsored recreational activity, the answer is generally yes, but if the accident arises out of simply a group of co-workers playing ball together, the answer is generally no. Ohio law

provides for recreational waivers, exempting employers from workers' comp liability, but beware; such a waiver may instead open the employer up for tort liability, under the Ohio Constitution's right to remedy provision.

### **Horseplay**

A long unsettled area of Ohio law involves whether a workplace injury should be allowed as a workers' compensation claim, if the injury arose out of horseplay. Ohio Supreme Court addressed this issue, holding: "Employees are **not entitled** to compensation when injuries are sustained during horseplay and quarrels that are instigated by the injured employee." Clear enough, but Ohio Supreme Court has also ruled: "An employee injured while engaged in a friendly scuffle with a co-worker may be considered in the course of his employment, provided his activities did not cause him to engage in some actions entirely foreign to his employment."

### **Extraterritorial & non-Ohio based claims**

Contract of hire in Kentucky, employee lives in Indiana, corporate headquarters in Ohio, employee's direct supervisor works in Pennsylvania, and injury occurs in Michigan. To quote Abbott & Costello – "Who's on first?" Ohio courts have ruled that to determine whether employment is located in Ohio, for purposes of workers' compensation coverage, the following should be considered: (1) the location of the contract for hire, (2) the location of the employee's supervisor, (3) the physical location of the work-related injury, (4) the state in which workers' compensation premiums were paid, (5) the location of the employee's home, and (6) any language in contracts or other documents that indicate the intent of the employer and employee. **Important note** - Some other states, including Kentucky, Pennsylvania, and Michigan, may not honor Ohio BWC insurance coverage, if an Ohio-based employee's injury physically occurs in another state. This may unfortunately occur, even if both employer and employee have signed the BWC C-110 form, choosing Ohio jurisdiction, and the employer's Ohio workers' comp coverage issued through BWC is currently paid up and in full force & effect. Important lesson to be learned - check on these coverage issues before an out of state accident happens.

### **Mental injuries**

Ohio's workers' compensation system is liable for psychiatric injuries, but only if related to a physical injury. Under current Ohio law, a purely psychiatric injury, even if arising out of the work-place, is not compensable. There must be a concurrent or preceding physical injury.

### **Employee travel**

Many employees don't work 40 hours per week at one location, and accidents that occur while traveling or at alternate locations are not uncommon. Generally, if an employer is paying the employee's expenses and also controls & benefits from the employee's actions, the injury would be compensable as a valid workers' compensation claim. Don't fall into the trap of automatically assuming that if an employee is not in an active-pay status, they cannot have a compensable work-related injury.

### **Employer retaliation**

Ohio law clearly prohibits an employer from discriminating against an employee who has filed a workers' compensation claim. Illegal activities by the employer would include firings, warnings, demotions, suspensions, and/or pay cuts.

### **Union employees**

Injuries can occur to employees when performing union tasks. Is the employer liable for such accidents if they occur on company premises? An Ohio judicial ruling on this topic held an employee injured while walking a picket line on company premises was not in the course of his employment, because he was receiving union strike pay, not company wages, and his actions were controlled by the union, not his employer, and clearly not benefitting the employer.

### **Intentional torts**

While Ohio has a no-fault and exclusive remedy system for workplace injuries, where negligence is not a factor and tort claims are prohibited, one notable and rare exception is an intentional tort. Damages arising out of a successful intentional tort action are covered directly by the employer, not BWC's State Insurance Fund. To establish an intentional tort, the employee must legally prove: (1) knowledge by the employer of the specific risk, (2) knowledge by the employer that the employee is subject to this known specific risk, (3) that the employer, with such knowledge, required the employee to continue to perform this dangerous task.

### 3. Appeals Process for Contested Workers' Compensation Claims

#### **BWC Initial Determination**

After a claim for benefits under the Ohio workers' compensation system is filed, generally via a First Report of Injury form, (FROI), BWC begins the initial review, to determine whether the claim should be allowed or denied. A BWC Claims Service Specialist (CSS) conducts a three point contact with the employer, employee, and treating medical provider, to determine allowance or denial of a lost-time claim. The legal criteria used by BWC, in making this initial determination in lost-time claims, is set forth in ORC 4123.01, and was discussed earlier in this material.

BWC will issue a written order to all parties in the claim, announcing their findings, and the basis for their decision. Either party, employer or claimant, can appeal this BWC order to the Ohio Industrial Commission, within 14 days of receipt of the written order.

#### **Industrial Commission Administrative Appeals**

Either party, employer or claimant, can appeal to the Ohio Industrial Commission, (IC) within 14 days of receipt of the BWC order. The Industrial Commission is the administrative ADR branch of Ohio's workers' compensation system, and has its duties set forth in ORC 4123.02. The IC holds hearings in 12 branch offices across Ohio, and conducts 175,000 contested hearings annually. The IC has a three level administrative hearing appeals process, District Hearings (DHO), Staff Hearings (SHO), and three member Industrial Commission.

After a DHO hearing is held, either party may appeal up the SHO level for a de novo hearing. If still not satisfied with the SHO findings, either party can make a discretionary appeal up to the full three member Industrial Commission. Similar to an appeal from a Court of Appeals to the Supreme Court, such discretionary reviews are most often denied. Only after the parties have exhausted all of their administrative appeals, can they appeal a contested matter into Common Pleas Court.

Regarding appellate time frames, after a BWC order is appealed to the IC, a DHO hearing must be held with 45 days. If either party appeals the DHO order, the SHO hearing must be also held within 45 days. Any discretionary appeal to the full three member Industrial Commission must be filed within 14 days of receipt of the SHO order. Appeals into court must be made within 60 days of the final IC administrative ruling.

#### **Workers' Compensation Judicial Appeals**

If either party is still not satisfied by the series of IC rulings, they can appeal into the Ohio court system. Note that workers' compensation appeals into court are allowed only if a party has exhausted all of their administrative remedies. Most judicial appeals are made directly to a local Common Pleas Court, but for strategic legal reasons, some appeals are made under mandamus directly into the 10<sup>th</sup> District Court of Appeals, which allows for an appeal by right into the Ohio Supreme Court.

#### **Comments on Legal Representation**

Many employers utilize third party administrators (TPAs) to represent their interests at Industrial Commission hearings. In December 2006, the Ohio Supreme Court ruled that TPAs are not improperly practicing law, when they represent their employer clients at IC hearings, subject to certain limitations. The Court placed restrictions on their actions, including prohibiting the quoting of Ohio case law or statute, prohibiting the cross examination of witnesses, and holding that non-attorney TPAs cannot argue the credibility and/or significance of evidence introduced.

BWC and IC data shows that while most injured workers do not retain the services of attorneys, a majority of injured workers filing lost time claims, (the more serious claims where the claimant is seeking payment of temporary total disability), are represented by legal counsel.

BWC staff attorneys represent the Bureau's interest at all levels of Industrial Commission administrative hearings, protecting the State Insurance Fund, but legal defense of claims is transferred to the Ohio Attorney General Workers' Compensation Section, when a dispute is appealed into court.

## 4.2010 Ohio Court Workers' Compensation Decisions

### Key 2010 Ohio Supreme Court rulings

**Voluntary abandonment as employer defense** - Galligan v. Industrial Commission, 124 Ohio St. 3d 233 (January 6<sup>th</sup>, 2010)

Injured worker fired after multiple disciplinary actions for sleeping on the job and later filed motion seeking TT benefits. Employer raised voluntary abandonment defense, and Supreme Court held that even though employer failed to submit employee handbook into record, there was enough evidence to support voluntary abandonment, because evidence showed that infraction that injured worker was terminated for was a known company policy.

**Brief period of employment inside ongoing TT benefits does not automatically result in overpayment of all comp paid, subsequent to that period.** Goodwin v. Industrial Commission, 124 Ohio St. 3d 334 (January 28<sup>th</sup>, 2010)

While on TT benefits, IW worked 33 hours in one week, and BWC sought overpayment for this time period, and also all TT paid, subsequent to closed period of employment. Supreme Court sided with IW, holding that there was no material misrepresentation and/or fraud, because the IW had only worked one week, and no evidence that IW had engaged in activities inconsistent with medical restrictions. Supreme Court also held that IW cannot receive wages and TT benefits for the period, regardless of the timing of issuance of the TT check.

Physical therapist's opinions alone cannot be used to establish the existence of disability, but can only be considered in conjunction with a doctor's report to determine level of disability.

Cambridge Home Health Care v. Industrial Commission, 124 Ohio St. 3d 447 (March 3<sup>rd</sup>, 2010)

Claim allowed for a right wrist sprain with arthritis, IW sought scheduled-loss compensation for loss of use of hand, and submitted functional-capacities evaluation prepared by physical therapist (PT). Employer had PT report reviewed by licensed physician who concluded IW's level of function, as recorded by PT, did not meet standard for loss of use. Supreme Court concluded that PT's opinions could not be used to establish the existence of a disability and could only be considered in conjunction with a doctor's report to help in determining the disability's severity.

**R.C. 2745.01 held constitutional; only injuries caused by truly intentional acts should be recognized as the basis for an intentional tort action**

Kaminski v. Metal & Wire Products Co., 2010-Ohio-1027 (June 6<sup>th</sup>, 2010)

Employee injured during course of employment when metal coil fell on her, received workers' compensation benefits, but eventually discharged from employment due to unavailability of suitable position. IW sued employer, alleging intentional tort under Revised Code 2745.01 and also asserted current intentional tort statute unconstitutional. Supreme Court held intentional tort statute constitutional, concluding only injuries caused by truly intentional acts should be recognized as the basis for an intentional tort action, and that all other injuries should be compensable only through workers' compensation system.

**No legal basis for excluding concurrent wages from AWW calculation because R.C. 4123.61 referred to wages earned in the year prior to injury without qualification or exclusion**

FedEx Ground Package Systems v. Industrial Commission, 2010-Ohio-2451 (June 8<sup>th</sup>, 2010)

Employee working two jobs was injured at the first job, and first employer set average weekly wage (AWW) and full weekly wage (FWW) based solely on his earnings with first employer. IW sought higher AWW and FWW, based on combined earnings from both jobs. Supreme Court sided with IW, determining no statutory basis for excluding concurrent wages because R.C. 4123.61 referred to wages earned in the year prior to injury, without any qualification or exclusion, and was proper to include earnings from both jobs while establishing AWW & FWW.

### Key 2010 Ohio Court of Appeals Decisions

**Right to participate, employer-approved exercise, Lord factors**, Bahr v. Progressive Insurance, 2009-Ohio-6641 (8th District)

Court of Appeals granted employee right to participate in workers' compensation fund for knee injuries incurred during a company "team building exercise" in which she twisted her knee; she was injured while participating in physically demanding activities that were directly related to her employment, trial court properly applied Lord factors in determining whether plaintiff's injury arose out of her employment and trial court correctly applied the totality of the circumstances in assessing a causal connection between employment and injury.

### **Death benefits, drug overdose**

Parker v. Honda of America Mfg., 2009-Ohio-6866 (3rd District)

In workers' compensation appeal from denial of death benefits, arising from drug addiction-related death after work-related back injury, summary judgment for employer proper since misuse of prescription painkillers in conjunction with ingestion of other controlled substances was an intentional, voluntary act constituting an intervening cause, exception for suicide should not be expanded to accidental death by drug overdose.

### **Employer intentional tort, Fyffe test**

Platt v. Cleveland Elec. Illuminating Co., 2009-Ohio-7003 (11th District)

In intentional tort action, arising from injuries suffered during electrical accident on construction site, trial court erred in granting summary judgment to employer where the Fyffe test is met since working around power lines is inherently dangerous, employer knew that harm was substantially certain to occur if an employee contacted the power lines and there is an issue of fact whether employee was required to continue working since he raised issue of safety with employer.

### **Summary judgment in workers' compensation case granted where BWC failed to meet burden in showing extent of employee's duties.**

Klamert v. Cleveland, 2010-Ohio-443 (8th District, 2-11-10)

Police detective travelling to testify before grand jury on matters connected to employment, injured in auto accident, submitted workers' comp claim denied by employer & BWC. Appellate court held that IW's substantial work duties as a narcotics detective showed that he had large amount of autonomy and could report to crime scenes, perform mobile surveillance, or initiate controlled drug buys, all before reporting to any fixed-situs of employment. Also, BWC improperly focused analysis of the plaintiff's activities on day of accident only, and totality of work activities did not show that the plaintiff was a fixed-situs employee.

### **Employee discharged one hour after informing employer of injury, not barred from pursuing public policy wrongful discharge claim**

Sutton v. Tomco Machining, 2010-Ohio-830 (2nd District 3-5-10)

Employee injured in course of his employment and discharged as an at-will employee one hour after telling employer of injury. After successfully filing claim, IW sued employer, alleging unlawful discharge, to avoid him being considered employee when he filed for workers' compensation, to prevent potentially higher workers' comp premiums. Appellate court held IW was discharged so quickly after being injured that he had no reasonable

opportunity to exercise rights under the Workers' Compensation Act and had no reasonable opportunity to take the first step towards obtaining compensation benefits. Also, the allegation that the defendant discharged the plaintiff to avoid paying higher premiums did not qualify as an overriding business justification.

### **No exception to rule barring admission to group rating program after application deadline**

RMA Services Ltd. v. Bureau of Workers' Compensation, 2010-Ohio-1070, (10th District 3-18-10)

Corporation requested writ of mandamus ordering BWC to vacate order denying request to participate in group rating program. Appellate court held that there was no evidence in the record to show that BWC's exclusion of company from group was due to a bureau clerical error. Also, no employer could be added to the group after the application deadline. Contrary to company's assertion, there were no regulatory or case law exceptions to this rule.

### **Compensation award for employee who slipped & fell on employer's premises while collecting paycheck**

Phelps v. Dispatch Printing Company, 2010-Ohio-2423 (10th Dist. 6-1-10)

Employee on company premises to collect paycheck when he slipped and fell, suffering injuries. Industrial Commission and trial court both found that injuries were compensable. Appellate Court concluded that even without evidence that employer derived benefit as result of the employee's presence to pick up paycheck, totality of the circumstances demonstrated a causal connection between injury and employment. Employee's injury occurred on the employer's premises and employer exercised complete control over scene of accident. Moreover, the defendant undisputedly permitted its employees to pick up their paychecks rather than having the checks mailed or directly deposited into a bank account, and the plaintiff's receipt of his wages was an integral part of the employment relationship.

### **Employer argued injured employee overpaid benefits because she worked part-time as a psychic & tarot card reader; appeals court found payment for services constituted earnings**

Walters v. WEK Acquisition Corp., 2010-Ohio-3520 (10<sup>th</sup> Dist. 7-29-10)

Employee received temporary total disability (TT) compensation for workplace injuries and IC later terminated benefits, after determining maximum medical improvement. BWC Special Investigations found that IW worked as psychic & tarot card reader during the period of TT compensation. Appellate court found ample evidence to

support BWC's determination that IW committed fraud by working while drawing TT benefits. Although the IW's self-employment as a psychic/tarot card reader was sporadic, evidence demonstrated that she was paid for her fortune-telling services, and even part-time self-employment for low wages was legally sufficient to constitute earnings.

Where widow was unsure of decedent's job details, the lack of formal agreement, and irregular nature of work performed, meant no employer - employee relationship existed.

Lewis v. Cartijo, 2010-Ohio-5546 (5<sup>th</sup> Dist. 11-15-10)

Widow's husband was hauling a dirt load in vehicle owned by company when he lost control and suffered fatal injuries in the resulting crash. IC denied surviving spouse's application for death benefits. On appeal, the appellate court determined that widow admitted in deposition that she had never spoken directly with the company about any of the hauling details, and she was also uncertain about decedent's job and pay details. Thus, in consideration of all the relevant facts, including limited length of time decedent worked for company, the irregular and 'as-available' nature of the individual voluntary hauling jobs, the lack of formal agreement & limited direction between the two men, and the decedent's level of autonomy on the details of the hauling runs, the appellate court held that reasonable minds could only conclude that the decedent was not an employee of the company.

(Thanks to both the IC Adjudicator and the Ohio State Bar Association OBAR, for information used in legal summaries of the above listed court decisions)

## 5. Ohio Workers' Compensation Ombuds Office

**What are we?** The Ombuds Office is the independent problem-solving resource of the Ohio workers' compensation system. We were created by Ohio law, ORC 4121.45, and have been serving Ohio's injured workers and employers since the 1970s.

**What aren't we?** We are not employees of either the Industrial Commission, or the Bureau of Workers' Compensation. While Ombuds Office staff work closely with both BWC & IC personnel, and have full access to all injured worker claims data and employer risk & premium data, we maintain our neutrality and independence.

**What can we do for you?** If you don't understand or are not satisfied, after working with IC or BWC, our office can work with you, attempting to resolve your complaint. We also provide timely & accurate info on how many processes work, within Ohio's workers' compensation system. All of our services are provided at no cost.

**What can't we do for you?** The Ombuds Office can not represent an injured worker or employer in court, nor provide representation at Industrial Commission hearings. In addition, the Ombuds Office can't provide specific legal advice on BWC or IC written orders.

**When should I call the Ombuds Office?** Call our office when you've exhausted all other resources, or when more information is needed and you don't know where to turn. You can also contact the Ombuds Office when you have an emergency issue that requires immediate need.

**How many people do we help?** In 2009, the Ombuds Office handled over 12,000 stakeholder contacts, with about 50% of our inquiries coming from injured workers, 40% from employers, and 10% from medical providers.

**How can you get in touch with the Ombuds Office ?** You can call the Ombuds Office state-wide at 1-800-335-0996, or you can send us a fax at 1-877-321-9481, or send us an e-mail at [ombudsperson@bwc.state.oh.us](mailto:ombudsperson@bwc.state.oh.us) Ombuds Office staff are on the phones from 7:30 AM to 5:15 PM, M - F, or you can leave us a message after hours, and we will return your call promptly the next business day morning

## 6. Key Ohio Workers' Compensation System Acronyms & Abbreviations

Listed below are some of the common acronyms & abbreviations frequently used in worker's compensation medical reports, e-mails, BWC orders, Industrial Commission orders, and other legal correspondence:

AAG = Assistant Attorney General  
ACF = administrative cost fund  
ADR = Alternative Dispute Resolution  
ADA = Americans with Disabilities Act  
AG = Attorney General  
AOE = Arising out of Employment  
AOR = Attorney of Record  
AWW = average weekly wage  
BOD = BWC Board of Directors  
BWC = Bureau of Workers' Compensation  
BLF = black lung fund  
C-92 = permanent partial award  
COA = change of address  
COEMP = claims filed by BWC employee or family member  
CSS = Claims Service Specialist  
CST = Customer Service Team  
DHO = Industrial Commission District Hearing Officer  
DOD = Date of Death or Date of Disability  
DOI = Date of Injury  
DWRP = Disabled Worker's Relief Fund  
EBT = Electronic Benefits Transfer  
EE = employee  
EFT = Electronic Funds Transfer  
ER = employer  
FMLA = Family Medical Leave Act  
FROI = First Report of Injury  
FT = full time  
FWW = full weekly wage  
HPP = Health Partnership Plan  
IC = Industrial Commission  
ICD9 = standardized medical billing codes  
IME = Independent Medical Exam  
IW = injured worker

LSA = lump sum advancement  
LSS = lump sum settlement  
LM = living maintenance compensation  
MCO = managed care organization  
MIF = marine industry fund  
MIRA = micro insurance reserve analysis  
MMI = maximum medical improvement  
NCCI = National Council on Compensation Insurance  
OAC = Ohio Administrative Code  
OAG = Ohio Attorney General  
OC = Oversight Commission  
OD = Occupational Disease  
ORC = Ohio Revised Code  
OSC = Ohio Supreme Court  
OSHA = Occupational Safety & Health Administration  
OT = overtime or occupational therapy  
QHP = Qualified Health Plan  
PT = part time or physical therapy  
PTD = permanent & total disability  
POR = physician of record  
PP = permanent partial disability payment  
PPD = permanent partial disability payment  
PWRE = public workers relief  
RTW = return to work  
S&H = BWC Safety & Hygiene  
SF = State Fund  
SHO = Industrial Commission Staff Hearing Officer  
SI = Self Insured  
SIEEB = Self Insuring Employer's Evaluation Board  
SIF = State Insurance Fund  
SIRP = Self Insured Review Panel  
SOM = BWC service officer manager  
TPA = Third Party Administrator  
UC = Unemployment Compensation  
V-3 = BWC's real time claims processing system  
VSSR = violation of specific safety requirement  
WCIS = BWC's Risk processing system  
WCOC = Workers' Compensation Oversight Commission  
WL = Wage Loss  
WWL = Working Wage Loss







