

INVESTIGATION CHECKLIST FOR REBUTTABLE PRESUMPTION

**Injured Worker Name:** \_\_\_\_\_

**Claim Number** \_\_\_\_\_

QUESTION	Yes	No	COMMENTS
Is the DOI for this claim on or after 10/13/2004? If not, the party alleging a positive alcohol or controlled substance test has the burden to prove that it is the proximate cause of the injury.			
Did you receive information alleging positive test results or a refusal to test without the lab report or written documentation of a refusal to test? If yes, the CSS will inform the employer of their burden to forward documentation in time to be considered for initial determination.			
Did you receive notice the injured worker refused testing? Note proof.			
Was there posted written notice informing employees of the effect of a positive alcohol or drug test (or refusal to test) on eligibility for workers' compensation benefits? If yes, obtain copy of whatever proof employer has to demonstrate notice was timely posted and note in comments.			
Did the employer document intoxicated or under the influence behavior? If yes, obtain a copy and note in comments.			
Is the controlled substance one of those specified in ORC 4123.54? If not, the party alleging a positive alcohol or controlled substance test has the burden to prove that it is the proximate cause of the injury.			
Was the "specimen" for the test collected within the appropriate time frame? (8 hours of TOI for alcohol or 32 hours of TOI for drugs)			
Would the accident have occurred regardless of intoxication or under the influence? If yes, the claim can be considered for allowance based on the remaining evidence.			