

4123-3-18 Appellate procedure.

(A) Administrative appeals.

(1) The right of administrative appeal is limited to the claimant, the dependents of a deceased worker, the employer, and the administrator, where the administrator or the administrator's representative appeals on behalf of the state insurance fund and/or the surplus fund.

(2) The above named eligible appellants may appeal decisions of the district hearing officers, or staff hearing officers.

(3) Decisions of district hearing officers are appealable to the staff hearing officers. Decisions of the staff hearing officers are appealable to the industrial commission.

(4) Appeal (also called "Notice of Appeal") should be made on form IC- 12 formerly I-12, or as provided by rules of the industrial commission. "Notice of Appeal" shall state the names of the claimant and the employer, the number of the claim, the date of the decision appealed from and the fact that the appellant appeals therefrom.

(5) Appeal applications shall be signed by the party appealing or by authorized representative on behalf of such party. The same applies to the administrator when filing an appeal.

(6) Such applications may be filed with any office of the bureau, or of the industrial commission.

(7) The same time limits apply to appeals filed from the decision of the staff hearing officers to the industrial commission.

(8) Appellate review and determination of claims being within the exclusive jurisdiction of the industrial commission, the conduct of hearings and other incidental matters are governed by the rules of the industrial commission.

(9) The bureau's legal division shall act as attorney in appeals filed by the bureau on behalf of the state insurance fund; it may also act as a representative of the administrator in appeals filed by the bureau on behalf of the surplus fund. As a party to the proceedings, the bureau's law section shall be entitled to proper notice of any action taken by the appellate body on appeals filed by the bureau.

(10) The bureau shall make payment of an award of compensation in a claim at the earliest time provided in division (H) of section 4123.511 of the Revised Code, except that, in all cases of a determination made under division (A) of section 4123.57 of the Revised Code for percentage permanent partial disability

compensation, no payment shall be made to the claimant until a final decision on reconsideration allows such compensation.

(11) In all other cases, if the decision of the district hearing officer is appealed by the employer or the administrator, the bureau shall withhold medical benefits during the course of appeal to the staff hearing officer, but where the staff hearing officer rules in favor of the claimant, medical benefits shall be paid by the bureau immediately upon the receipt of the order, regardless of whether or not further appeal is taken. In self-insuring employers' claims, payment shall be made in accordance with rules of the industrial commission.

(12) Payments of an award of compensation and/or benefits made by the bureau pursuant to a decision of a staff hearing officer shall commence immediately upon the bureau's receipt of the order.

(B) Appeals to court.

(1) The claimant or the employer may appeal an order of the industrial commission made under division (E) of section 4123.511 of the Revised Code in any injury or occupational disease case, other than a decision as to the extent of disability to the court of common pleas of the county in which the injury was inflicted or in which the contract of employment was made if the injury occurred outside the state, or in which the contract of employment was made if the exposure occurred outside the state. If no common pleas court has jurisdiction or the purposes of an appeal by the use of the jurisdictional requirements described in this division, the appellant may use the venue provisions in the Rules of Civil Procedure to vest jurisdiction in a court. If the claim is for an occupational disease, the appeal shall be to the court of common pleas of the county in which the exposure which caused the disease occurred. Like appeal may be taken from an order of a staff hearing officer made under division (D) of section 4123.511 of the Revised Code from which the commission has refused to hear an appeal. The appellant shall file the notice of appeal with a court of common pleas within sixty days after the date of the receipt of the order appealed from or the date of receipt of the order of the commission refusing to hear an appeal of a staff hearing officer's decision under division (D) of section 4123.511 of the Revised Code. The filing of the notice of the appeal with the court is the only act required to perfect the appeal.

(2) "Notice of Appeal" stating the names of the claimant and the employer, the number of the claim, the date of the decision appealed from and the fact that the appellant appeals from such order must be filed with the industrial commission and with the court of common pleas within sixty days after the date of the receipt of the decision appealed from or the date of receipt of the order of the commission refusing to permit an appeal from a regional board of review.

(3) Such appeal or any other action filed from a decision of the industrial commission in a claim in which an award of compensation has been made shall not stay the payment of compensation under such award or payment of compensation for subsequent periods of total disability during the pendency of the appeal.

Effective: 2/10/09

Prior Effective Dates: 10/17/68; 1/16/78; 8/22/86 (Emer.); 11/8/86