

PERMANENT TOTAL DISABILITY

R95-1-13

Maximum Reduction of Compensation Rate

September 27, 1995

WHEREAS, Section 4123.64 of the Ohio Revised Code provides authority to commute payments of compensation or medical benefits to one or more lump sum payments; and

WHEREAS, Section 4123.06 of the Ohio Revised Code mandates that the Commission approve, disapprove, or modify applications for lump sum payments for attorney's fees and allow payment of a reasonable fee after review of the application; and

WHEREAS, Rule 4121-3-10(B)(2)(b) of the Ohio Administrative Code provides that lump sum payments for attorney's fees shall be limited to an amount determined periodically by the Industrial Commission; and

WHEREAS, the Commission adopted Resolution No. R81-7-73 on December 22, 1981, Resolution No. R87-1-152 on August 17, 1987, and Resolution No. R90-1-10 on September 5, 1990, limiting the approval of applications for lump sum payments of attorney's fees to an amount not to exceed five thousand dollars (\$5,000.00); and

WHEREAS, the Commission finds that it is now proper and necessary to revise the guidelines to be used by the Commission in the adjudication of applications for lump sum advancement of attorney's fees.

THEREFORE BE IT RESOLVED that the Industrial Commission establishes the following guideline in the adjudication of applications for lump sum advancement of attorney's fees:

No application for lump sum advancement for attorney's fees shall be granted if either the amount of the advancement is in excess of eight thousand dollars (\$8,000.00) or where such advancement would cause a reduction in the claimant's existing weekly compensation rate of more than twenty percent (20%).

BE IT FURTHER RESOLVED that the foregoing guideline shall be effective for all applications for lump sum advancement for attorney's fees filed on or after October 1, 1995.