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How to Apply

Workers who suffer an occupational injury or disease that permanently prevents them from doing any work should apply for permanent total disability (PTD) compensation using Form IC-2. This form is available at any Industrial Commission (IC) office or on the IC's website.

PTD Guidelines

Recent Medical Evidence is Required

Each application must be accompanied by a physician's report that explains the injured worker's physical and/or mental limitations resulting from the allowed condition(s). An allowed condition is recognized as being a direct result of a compensable work-related injury or occupational disease, which is supported by medical documentation. **The medical examination must have been performed within the past 24 months.** All evidence that the injured worker wishes to have considered at the hearing must be on file or accompany the application.

Employer has 60 Days to Submit Evidence

The employer is allowed 14 days after the date of the IC acknowledgment letter to notify the IC if the employer intends to submit medical evidence relating to the issue of PTD compensation. The employer also has 60 days after the date of the IC acknowledgment letter to submit medical evidence, regardless of whether an intent to submit evidence was filed. Either party may request that the IC provide an extension of time to obtain medical evidence.

Subpoena can be Requested

If the injured worker or employer has made a good faith effort but has been unable to obtain medical records, the IC hearing administrator can be requested to issue a subpoena to obtain such records. Should a subpoena be issued, it shall be served by the party requesting the subpoena.

Applicants will be Examined by an Industrial Commission Specialist

The IC will schedule appropriate medical evaluations by IC medical specialists. If the employer has provided the notice previously described, the IC will wait until the employer's medical evidence is on file (a period not to exceed 60 days from the acknowledgment letter) to conduct the IC exam.

Tentative Order may be Issued

A tentative order may be published once all of the medical evidence is submitted, and if it is clear there is no conflict in the medical evidence. A party may file a written objection to the order within 14 days of receipt. If the IC does not receive a timely written objection, the tentative order shall become final.

Not all Applications are Set for Hearing

If there is a written agreement to award permanent total disability between an injured worker, employer, and BWC where necessary, the application may be settled and an order issued without hearing.

Submission of Vocational Information

A party that desires to submit additional vocational information to the IC has 14 days from the date of the mailing of the IC vocational letter (Form PTVOC05) with which to make written notification to the IC. Should a party provide timely notification of its intent to submit additional vocational information, the information shall be submitted to the IC within 45 days from the mailing date of the IC vocational letter. If a party does not provide notice of intent to provide vocational information, that party is deemed to have waived the right to submit that information. Upon expiration of the 45 day period, no further vocational information will be accepted without prior approval from the hearing administrator.

Pre-Hearing Conference may be Scheduled

The IC, injured worker or the employer may request a pre-hearing conference with the IC hearing administrator at any time during the processing period. The pre-hearing conference may be in person or by telephone conference call. Any pertinent issues may be discussed during the conference including, but not limited to: settlement status, evidence of rehabilitation efforts, exchange of accurate medical information, and evidence of refusal to work.

Hearing is Scheduled

All PTD hearings are scheduled before staff hearing officers. A hearing will be held no earlier than 14 days after the pre-hearing conference.

Additional Evidence Submitted After Deadlines is Inadmissible

The parties cannot submit new evidence at the PTD hearing.

Parties are Notified of Decision by Mail

After the hearing, an order will be mailed to all parties setting forth the decision of the staff hearing officer. The IC's website provides injured workers, representatives, and employers access to active claim information including copies of hearing orders, contact information for all claim participants and hearing schedules for representatives and employers.

*Permanent Total Disability Guidelines: The Industrial Commission of Ohio's policy on permanent total disability is set forth within Ohio Administrative Code Rule 4121-3-34, and is available on the IC's website at [www.ic.ohio.gov](http://www.ic.ohio.gov).*

**If you have a disability that requires special accommodations at a hearing, please contact the IC in advance of your hearing. Interpreter services for language or hearing impairment are available through Customer Service.**

Questions About PTD

When will parties be notified of a hearing?

Notification will be mailed at least 14 days prior to a hearing. The notice will state the time, date and location of the hearing.

Should the injured worker and employer attend a hearing?

Attendance is not required, but all parties are urged to attend to present their position on the application for PTD compensation.

How should the parties prepare for a hearing?

Gather, prepare and submit all current medical reports, vocational reports and written witness statements with the application for permanent total

disability. Following the IC medical exam, parties will receive notice that they have 14 days from the date of the mailing of the IC vocational letter to make written notification of intent to submit additional vocational information. If a party provides timely notification to the IC, the additional vocational information must be submitted within 45 days from the date of the mailing of the IC vocational letter.

Is legal representation required?

No. However, the injured worker and employer have the right to representation if they choose.