



2017

PRODUCTION ACTIVITY REPORT
Report Compiled by the Office of Management Planning

IC

SUMMARY AND STATISTICAL HIGHLIGHTS

JANUARY 1, 2017 – DECEMBER 31, 2017

I. MOTIONS/APPEALS/INVENTORY

The Industrial Commission (IC) captured 163,083 issues at the District Hearing Officer (DHO) and Staff Hearing Officer (SHO) levels during calendar year (CY) 2017. The Bureau of Workers' Compensation (BWC) recorded 120,902 new injury, occupational disease, and death claims for state funded and self-insuring employers during 2017. Of these filings, 18,012 (15%) were contested and received by the IC for adjudication.

DHO level issues captured (Allowance and C92) and SHO level issues captured (Appeals, PTD, Recons, VSSR, and Miscellaneous) totaled 113,143 and 49,940, respectively. Commission hearing level appeals totaled 19,051 while Recons totaled 587. *First Level/ICON* filings, inclusive of .522/.52 filings and appeals to BWC orders, totaled 51,067. *Second Level* and Above *ICON* filings, inclusive of appeals to DHO and SHO orders, totaled 49,684.

As of December 31, 2017, the IC ending inventory was 20,994 claims at all adjudicatory levels. This is inclusive of claims being processed in the IC medical sections, which totaled 296.

II. ADJUDICATORY ACTIVITY

The IC made approximately 179,181 decisions on issues arising from workers' compensation claims. These decisions incorporate administrative reviews (issues that do not initially require formal adjudication via hearing). The IC heard a total of 108,902 claims during CY 2017 at all adjudicatory levels. The total DHO volume accounts for 70 percent of overall hearings at 76,435 claims heard. Total SHO claims heard are recorded at 32,208 claims. Deputy venue claims heard totaled 81 in CY 2017 while the Commission venue recorded 178 claims heard.

DHO and SHO hearings were conducted on 246 days during CY 2017 at an average of 442 claims heard per day. DHO hearings averaged 311 claims heard per day while SHO hearings averaged 131 claims heard per day. Commission level hearings were scheduled on 56 days during CY 2017.

During CY 2017, self-insuring (SI) risks accounted for 27 percent of all claims heard while non-SI risks accounted for 73 percent of all claims heard.

III. MEDICAL ACTIVITY

The IC currently schedules medical exams in seven districts – Akron, Cincinnati, Cleveland, Columbus, Dayton, Toledo, and Youngstown. A total of 1,998 specialist exams and medical reviews were performed on behalf of the IC during CY 2017. The majority of these exams (99%) were related to PTD filings.

IV. PERFORMANCE

District Hearing Officers heard a total of 60,927 Allowance docket claims during CY 2017. The statewide median for the 45-day *Filing to Hearing* mandate is 34 days, while the statewide median for the seven-day *Hearing to Mailing* mandate is 3 days.

Of the qualifying CY 2017 Allowance docket claims heard, 6,195, or 14 percent were beyond the 45-day *Filing to Hearing* mandate on industry performance.

Staff Hearing Officers heard a total of 27,446 Appeal docket claims during CY 2017. The statewide median for the 45-day *Filing to Hearing* mandate is 34 days, and the statewide median for the seven-day *Hearing to Mailing* mandate is 4 days.

SUMMARY AND STATISTICAL HIGHLIGHTS

Ohio Revised Code 4123.511 (E) requires the issuance of a refusal order within 14 days of the expiration of the period in which an appeal may be filed to an SHO order. Collectively, IC refusal orders were issued in an average of six days for the respective 14-day statutory period.

For hearings conducted during CY 2017, the combined venue Commission and Deputy average for the period *Filing of Appeal to Hearing Date* is 43 days. This is a five-day improvement from the 2016 average of 48 days. The combined venue average for the seven-day *Hearing to Mailing* mandate is 43 days. This is a three-day improvement from the CY 2016 average of 46 days. The combined venue average for the *Filing of Appeal to Mailing of Order* is 85 days, a nine day improvement from CY 2016 rate of 94 days.

A total of 1,028 PTD claims were heard during CY 2017. PTD applications were adjudicated within an average of 178 days during CY 2017. This reflects a 15 day regression from CY 2016. Statewide, final orders were published within six days of the hearing during CY 2017.

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163,083 New Issues Captured

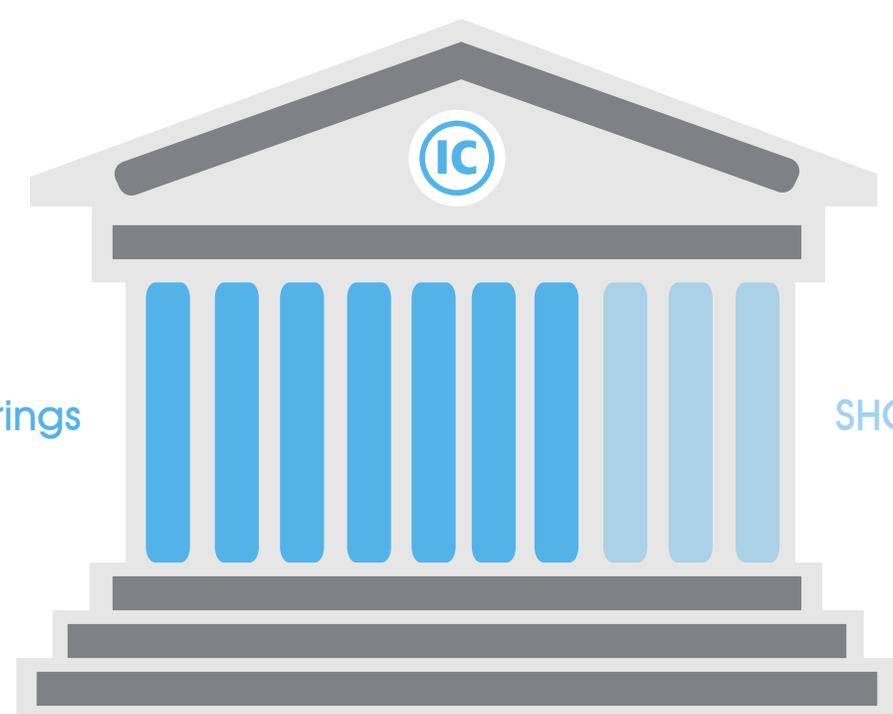


113,143 DHO Issues

49,940 SHO Issues

The DHO/SHO total ending hearing inventory as of December, 31, 2017 is 20,994 claims. This is inclusive of active IR processes and unassigned workflow/case manager processes.

DHO/SHO Average Inventory Ratio



70%
DHO Hearings

30%
SHO Hearings

Industrial Commission (IC) workloads and performance are initiated by, and heavily dependent upon the volume of new motion and appeal filings. IC inventory volume is volatile depending on claim flows from the Bureau of Workers' Compensation (BWC), appeal filings, examiner production, docketing volume, and hearing continuances.

BWC NEW CLAIMS FILED

The BWC recorded 120,902 new injuries, occupational disease, and death claims during calendar year (CY) 2017. Approximately, 24,747 (20 percent) of those filings were for self-insuring employers. The approximate breakdown of claim filings by risk type and claim type is provided below.

BWC NEW CLAIM FILINGS BY RISK TYPE

RISK TYPE	DEATH	LOST TIME	MEDICAL ONLY	OCCUPATIONAL DISEASE	TOTAL
Self-Insured (SI)	120	4,174	20,349	104	24,747
Non-SI	286	14,438	80,885	546	96,155
TOTAL	406	18,612	101,234	650	120,902

Source: BWC Data Warehouse Unrevised

Approximately 15 percent of all new claims filed were contested in whole or part and forwarded to the IC for adjudication. Original allowance and death allowance issues were captured for 18,012 claims during CY 2017. A majority resulted in Allowance docket hearings.

IC NEW MOTIONS AND APPEALS FILED

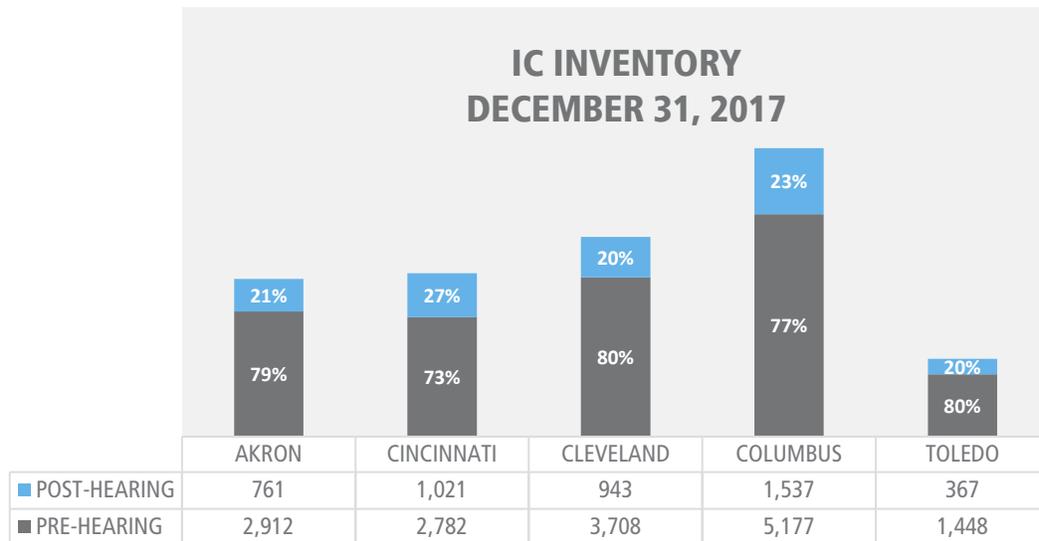
A total of 114,748 new first level motions and appeals were filed during CY 2017 for 74,286 separate claims. A number of claims have multiple issues per motion; however, not all motions or appeals resulted in a hearing. Approximately 163,083 issues were captured at the first and second adjudicatory levels during CY 2017. First level ICON filings for CY 2017, inclusive of .522/.52 filings (Requests for Relief) and appeals to BWC orders totaled 51,067. Second level and above filings, inclusive of appeals to District Hearing Officer (DHO) and Staff Hearing Officer (SHO) orders, totaled 49,684. During CY 2017, commission level appeals and reconsiderations filed totaled 19,051 and 587, respectively. Issues tracked for DHO and SHO motion and appeal filings by docket type are itemized as follows:

DHO AND SHO MOTION AND APPEAL FILINGS BY DOCKET TYPE

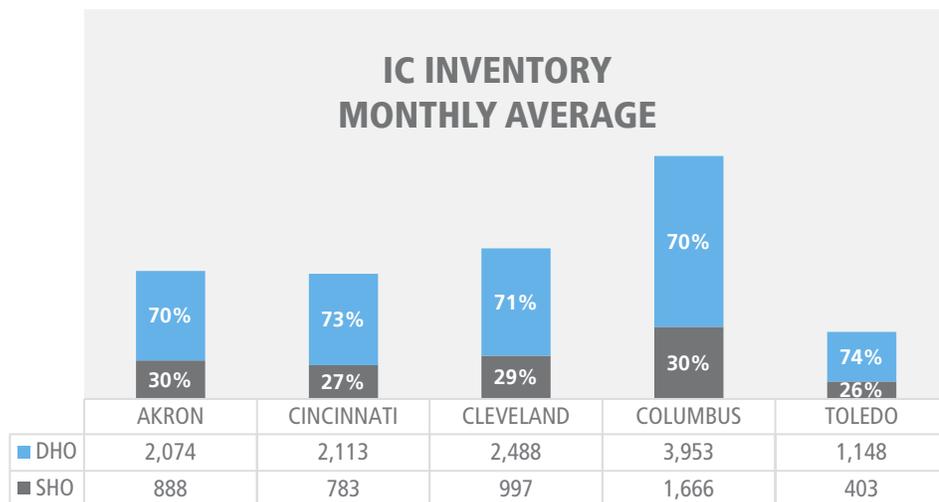
LEVEL	DOCKET TYPE	VOLUME	PERCENT OF TOTAL *
DHO	ALLOWANCE	96,078	59%
	C92	17,065	10%
SHO	APPEAL	42,917	26%
	MISC	1,514	1%
	PTD	1,379	1%
	RECON	3,441	2%
	VSSR	689	<1%
STATEWIDE TOTAL		163,083	

HEARING INVENTORY

As of December 31, 2017 the IC maintained a pre-hearing inventory of 12,230 claims at DHO and SHO levels and 4,135 claims in the pre-screening process, accounting for 78% of total hearing ending inventory. The remainder of the inventory constitutes post-hearing claims awaiting an order or under appeal status.



Statewide average monthly DHO and SHO aggregate inventory was 20,771 claims for CY 2017.



**Excludes claims in pre-screening process*

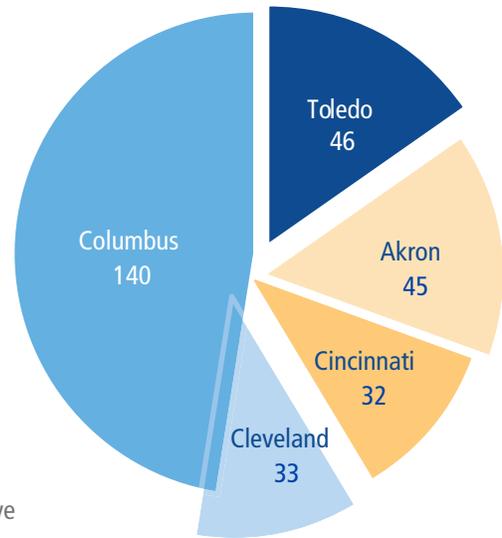
MEDICAL EXAM INVENTORY

The volume of claims within the IC medical section as of December 31, 2017 equaled 296, accounting for two percent of total inventory. The majority of these claims, 99 percent, are processed for PTD related specialist exams. The remaining claims are referred for an exam or medical review of other issues. PTD medical exams are initially scheduled by the Columbus office and are performed in all statewide regions.

TOTAL ENDING INVENTORY

As of December 31, 2017, statewide aggregate hearing and medical inventory totaled 20,994 claims at DHO and SHO adjudicatory levels. Commission Level Hearings (121), Court Unit (6,723), Attorney Fee applications (15) inventory volumes, and claims under other administrative review processes are not included in DHO or SHO inventory.

**MEDICAL INVENTORY
AS OF DECEMBER 31, 2017**



ADJUDICATORY ACTIVITY

108,902 Total Formal Hearings*

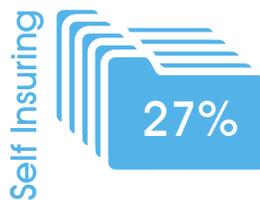
DHO Level: 70%

SHO Level: 30%

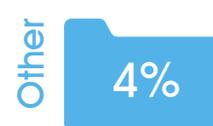
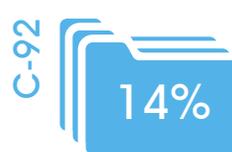
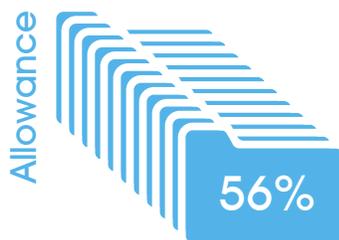
Commission Level: <1%

Claims Heard

By Risk Type*



By Docket Type*



* The sum of the percentages may not equal 100% due to rounding.

ADMINISTRATIVE REVIEWS

Formal hearings and administrative reviews constitute the majority of Industrial Commission adjudicatory activity. In CY 2017, the IC made approximately 179,181 decisions on issues arising from workers' compensation claims.

During CY 2017, the IC conducted 70,279 administrative reviews and heard a total of 108,902 claims at all adjudicatory levels. Claims heard includes hearings at the DHO, SHO, Deputy, and Commission venues. Administrative reviews incorporate issues that do not initially require formal adjudication via hearing (Hearing Administrator issues, Commission requests, cancellation requests, etc.). These issues receive review and processing at the claims examining, word processing, and hearing officer levels, but are not typically reflected in routine production reports under DHO or SHO dockets. These issues may subsequently result in a hearing under normal adjudicatory process and are reflected accordingly under respective hearing venues.

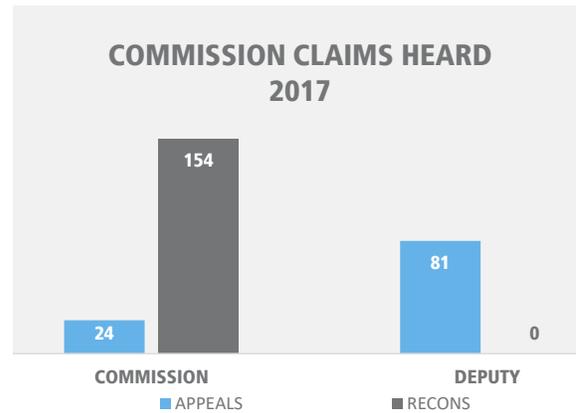
CLAIMS HEARD

The total DHO hearing volume accounted for 70 percent of the overall hearing activity during CY 2017 at 76,435 claims heard, while the SHO volume is recorded at 32,208 claims heard. Deputy venue hearings totaled 81 in CY 2017, while the Commission venue recorded 178 claims heard. Total claims heard may include continuances, referrals, dismissals, or other final determinations made as a result of a hearing. Formal hearing volumes for CY 2017 reflect a 12 percent decrease from CY 2016 totals.



DHO and SHO hearings were conducted on 246 days during CY 2017. A combined average of 442 claims were heard per day at the DHO and SHO levels. District Hearing Officers averaged 311 claims heard per day while Staff Hearing Officers averaged 131 claims heard per day. Commission level hearings were scheduled on 56 days during CY 2017.

Commission venue Appeals and Reconsiderations were scheduled at a rate of three claims per hearing day. Deputy venue claims are disseminated from the Commission Level Hearing Section in Columbus and are not docketed in a systematic manner. Thus, the volume of claims heard per day at this level is indeterminate.



CLAIMS HEARD BY DOCKET TYPE

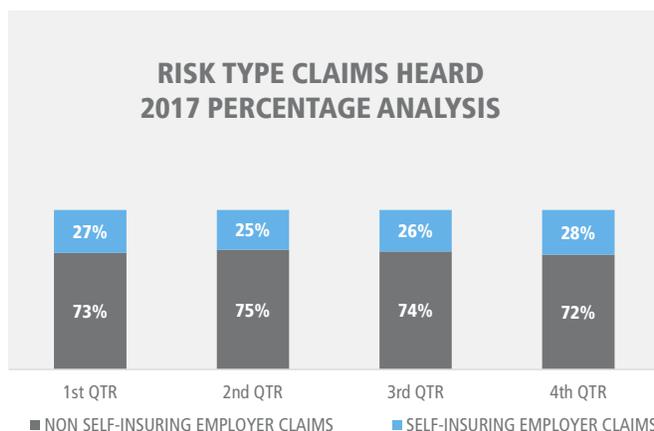
DHO Allowance claims heard account for 56 percent of the statewide total, while DHO C92 claims account for 14 percent. SHO dockets are accounted for as follows: Appeals - 25 percent; Reconsiderations - 3 percent; and PTD - 1 percent. Miscellaneous, VSSR, Deputy, and Commission venue hearings combined for one percent of the statewide total.

LEVEL	DOCKET TYPE	AKRON	CINCINNATI	CLEVELAND	COLUMBUS	TOLEDO	TOTAL
DHO	ALLOWANCE	11,128	11,506	12,391	20,145	5,770	60,940
	C-92	2,880	2,707	4,047	4,682	1,179	15,495
	DHO TOTAL	14,008	14,213	16,438	24,827	6,949	76,435
SHO	APPEAL	5,297	4,854	6,007	9,213	2,075	27,446
	PTD	192	150	154	435	97	1,028
	RECON	592	457	876	933	137	2,995
	VSSR	28	19	8	14	18	87
	MISC	143	89	154	205	61	652
	SHO TOTAL	6,252	5,569	7,199	10,800	2,388	32,208
COM	COMMISSION	0	0	0	178	0	178
	DEPUTY	8	8	14	44	7	81
	COM TOTAL	8	8	14	222	7	259
REGIONAL TOTAL		20,268	19,790	23,651	35,849	9,344	108,902

CLAIMS HEARD BY RISK TYPE

During CY 2017, self-insuring (SI) risks accounted for 27 percent of all claims heard while non-SI risks accounted for 73 percent.

Statewide, quarterly ratios remained relatively steady throughout the year with slight variations by region.



HEARINGS HELD BY EMPLOYER GROUP

LEVEL	DOCKET TYPE	STATE FUND	SELF INSURING	PUB. EMP. (COUNTY)	PUB. EMP. (STATE)	TOTAL
DHO	ALLOWANCE	34,293	16,003	8,076	2,564	60,936
	C-92	7,986	3,591	3,079	839	15,495
	DHO TOTAL	42,279	19,594	11,155	3,403	76,431
SHO	APPEAL	14,416	7,965	3,659	1,405	27,445
	PTD	506	81	99	59	745
	RECON	1,401	869	567	158	2,995
	VSSR	69	18	1	0	88
	MISC	404	166	60	22	652
	SHO TOTAL	16,796	9,099	4,386	1,644	31,925
COM	COMMISSION	80	59	16	6	161
	DEPUTY	41	31	5	4	81
	COM TOTAL	121	90	21	10	242
EMPLOYER TOTAL		59,196	28,783	15,562	5,057	108,598

Hearings were conducted for approximately 20,808 different risks during CY 2017. Hearings for claims of private state funded employers accounted for 55 percent of all hearings while SI employers accounted for 27 percent; public county employers accounted for 14 percent; and public state employers' claims accounted for five percent.

INTERPRETER AND EMERGENCY HEARINGS

A total of 2,134 hearings were flagged as requiring interpreter services during CY 2017, marking a 11 percent decrease from CY 2016.

A total of 262 emergency hearings were scheduled during CY 2017. Emergency hearings are scheduled based on designated docket types per IC rule, circumstantial requests by the respective hearing parties, or other justifiable reasons.

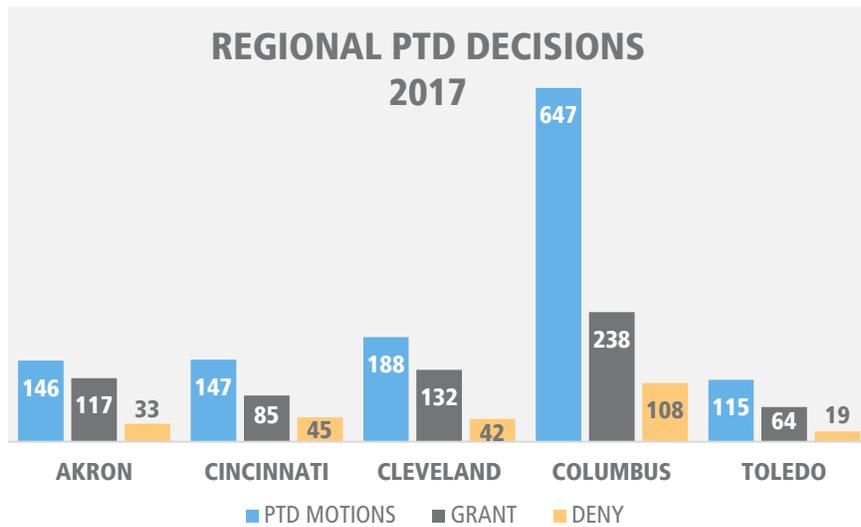
REGION	INTERPRETER	EMERGENCY
AKRON	173	28
CINCINNATI	248	36
CLEVELAND	673	42
COLUMBUS	962	139
TOLEDO	78	17
STATEWIDE	2,134	262

PERMANENT TOTAL DISABILITY DECISIONS

Permanent Total Disability (PTD) motions filed for CY 2017 totaled 1,243. Of those PTD applications that were either granted or denied during CY 2017, 72% were rendered PTD grants versus 28% PTD denials.

Regionally, the respective grant/deny ratios were as follows: Akron - 78%, 22%; Cincinnati - 65%, 35%; Cleveland - 76%, 24%; Columbus - 69%, 31%; Toledo - 77%, 23%.

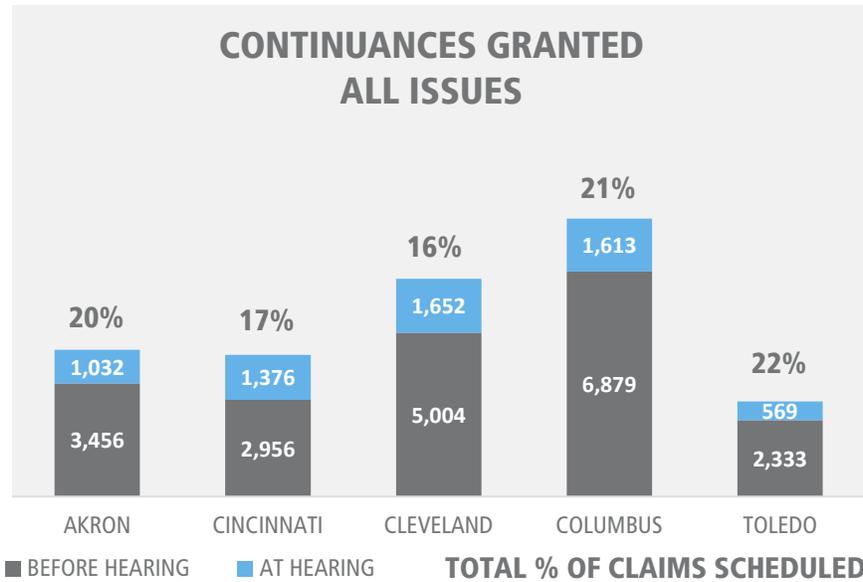
Given processing times for PTD applications, there is not always a direct correlation between motion filings and decisions rendered within the same calendar year. Additionally, some PTD applications are withdrawn, dismissed, or otherwise disposed. These totals are not reflected in this report.



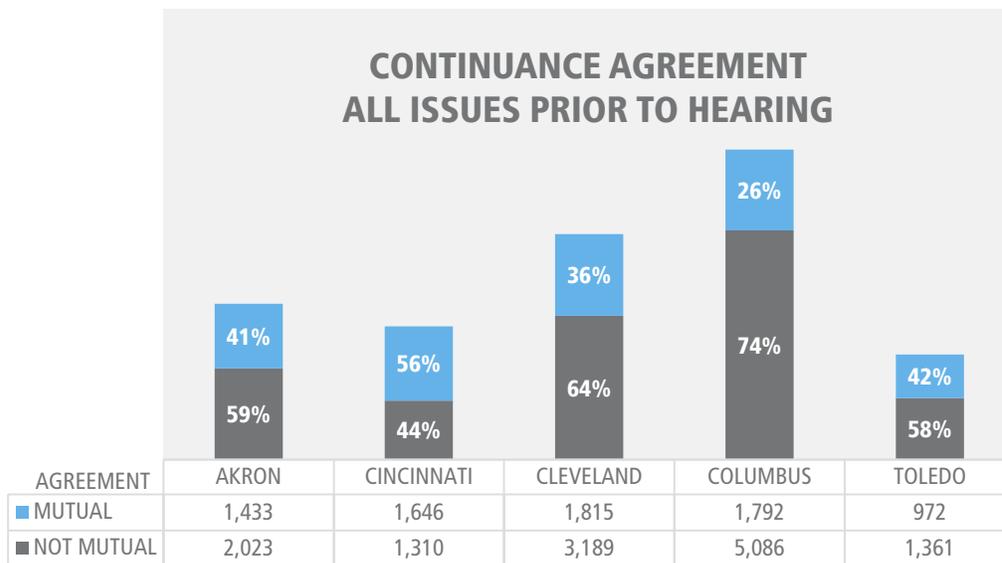
**PT motions filed in a year do not directly correlate to grant/deny regional totals*

CONTINUANCES

Statewide, the average continuance rates (for all issues) prior to and at hearing are 14 percent and 4 percent of claims scheduled, respectively for CY 2017. Continuances granted prior to hearing for all issues totaled 20,628 while continuances granted at hearing totaled 6,242. The aggregate continuance rate (for all issues) is 19 percent for CY 2017.



Continuances impact inventory backlogs, docketing, and time frames. Mutually agreed continuances prior to hearing are not eligible for time frame consideration. Continuances prior to hearing that are not mutually agreed may remain eligible if the time frames are not waived by the parties at some other point and the issue reaches a subsequent hearing.



HEARING ADMINISTRATOR DECISIONS

IC Hearing Administrators perform a variety of functions that facilitate the adjudication process. In addition to processing approximately 19,927 continuance requests during CY 2017, they also processed 11,943 requests to withdraw motions or appeals and cancel scheduled hearings. Additionally, Hearing Administrators made decisions and performed activities in the following categories during CY 2017.

HEARING ADMINISTRATOR ACTIVITY

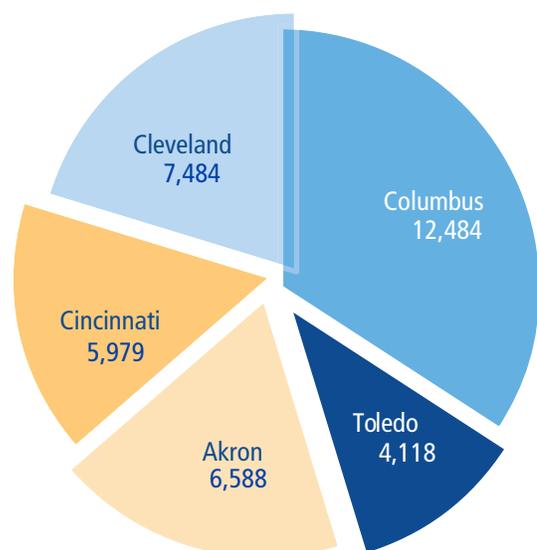
TYPE		AKRON	CINCINNATI	CLEVELAND	COLUMBUS	TOLEDO
PTD	LETTERS ISSUED	126	102	106	384	93
	PRE-HEARING	33	41	20	124	23
EMERGENCY HEARINGS	GRANT	27	36	41	138	16
SUBPOENA REQUESTS	GRANT	96	73	154	114	39
	DENY	39	34	38	50	18
INTERROGATORIES & DEPOSITIONS	GRANT	2	4	0	0	1
	HEARING	1	1	0	4	1
SUSPENSION REQUESTS	GRANT	272	275	244	478	276
	DENY	103	161	171	234	73
.522/.52 REQUESTS	GRANT	1	14	51	78	11
	HEARING	93	49	100	84	36
HEARING ADMINISTRATOR TOTALS		766	754	884	1,550	571

Hearing Administrators also processed requests for extensions related to PTD filings and requests regarding other miscellaneous issues that are not presented above.

Statewide, Hearing Administrators made decisions on or referred to hearing approximately 36,653 issues during CY 2017. Regional proportions of statewide Hearing Administrator activity during CY 2017 are as follows:

- Columbus 34 percent
- Cleveland 20 percent
- Akron 18 percent
- Cincinnati 16 percent
- Toledo 11 percent

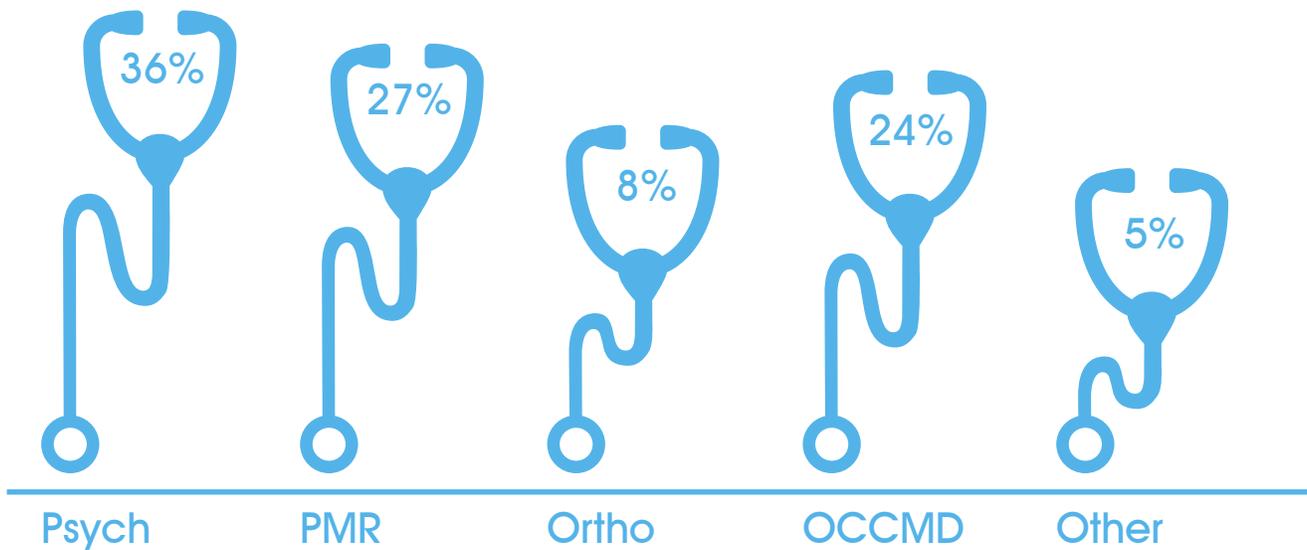
ACTIVITY BY REGION



1,998 Performed Medical Exams



Types of Exams



Of the 2,366 exams scheduled during CY 2017, 16% were either canceled, rescheduled, or the injured worker did not attend the exam.

SPECIALIST EXAMS

A total of 2,366 specialist exams (including medical reviews) were scheduled on behalf of the Industrial Commission during CY 2017. The majority of these exams are related to PTD filings. Scheduling of exams for Injured Workers residing out-of-state is performed through the Columbus office. The Akron office does not maintain an in-house medical exam room.

A total of 1,998 IC exams were performed during CY 2017 with a majority of exams taking place outside IC offices. The CY 2017 exam volume reflects a seven percent decrease from CY 2016.

SPECIALIST EXAMS PERFORMED BY LOCATION

LOCATION	AKR	CIN	CLE	COL	DAY	TOL	YOU	TOTAL %
OUT OF HOUSE	129	125	260	779	153	197	192	92%
IN HOUSE	0	1	42	18	2	0	21	4%
OUT OF STATE	3	8	5	56	4	1	2	4%
TOTAL	132	134	307	853	159	198	215	
% OF OVERALL TOTAL	7%	7%	15%	43%	8%	10%	11%	

EXAM CANCELLATION RATES

The 2,366 specialist exams scheduled during CY 2017 consisted of 368 exams that were rescheduled, canceled, or the injured worker did not show for the exam. The CY 2017 statewide exam cancellation rate (cancel, no show, reschedule) is 16 percent.

IC SPECIALIST EXAMS

DISTRICT	PERFORMED	CANCELED	RESCHEDULED	NO SHOWS	SCHEDULED	CANCELLATION RATE
AKRON	132	3	6	2	143	8%
CINCINNATI	134	8	15	2	159	16%
CLEVELAND	307	13	29	10	359	14%
COLUMBUS	853	36	97	27	1,013	16%
DAYTON	159	18	17	10	204	22%
TOLEDO	198	14	23	4	239	17%
YOUNGSTOWN	215	10	17	7	249	14%
STATEWIDE	1,998	102	204	62	2,366	16%

ADMINISTRATIVE PERFORMANCE

Time Frames

Dho Allowance: Filing To Mailing

38 DAYS

Sho Appeal: Filing To Mailing

38 DAYS

Commission Appeal: Filing To Mailing

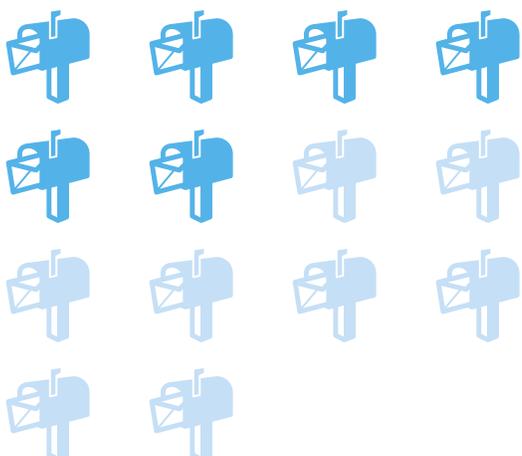
85 DAYS

The benchmark for DHO, SHO, and COM Filing to Mailing time frames is 52 days: inclusive of the statutory 45 days for Filing to Hearing and 7 days for Hearing to Mailing.

Other statutory and benchmark processes are as follows:

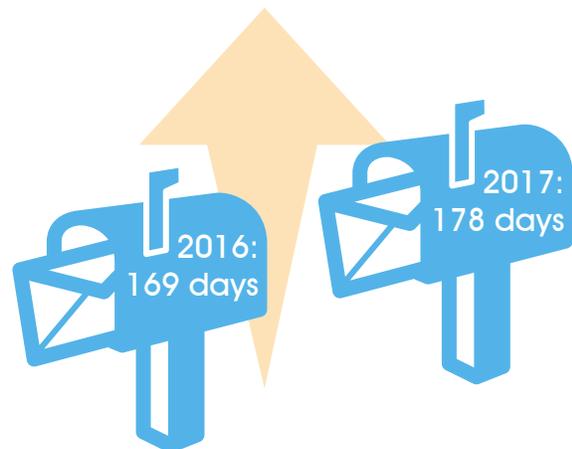
Refusal Order: Expiration To Mailing

IC averaged a 6 out of 14 days allowed.



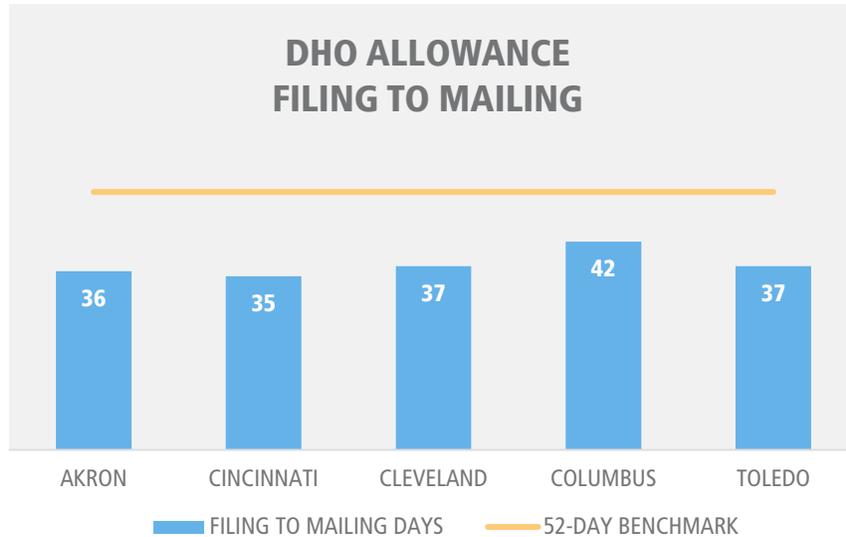
PTD: Filing to Mailing

IC averaged 178 days in 2017.



DISTRICT HEARING OFFICER ALLOWANCE TIME FRAMES

District hearing officers heard a total of 60,927 Allowance docket claims during CY 2017. Of those, 44,351 qualified (73%) for inclusion in time studies. On average, all IC offices performed within the statutory and benchmark limits set forth in HB107 and HB413. The IC benchmark is set at 52 days. This performance measure is based on the entirety of the hearing process and combines the two statutory periods *Filing to Hearing* (45 days) and *Hearing to Mailing* (7 days).



2017 STATEWIDE DHO ALLOWANCE PERFORMANCE

2017 QTR	F-R*	R-H	F-H*	H-M*	R-M	F-M
1 ST	1	27	28	3	30	32
2 ND	1	28	29	3	32	34
3 RD	1	36	38	3	40	43
4 TH	1	36	39	4	42	43
AVERAGE	1	32	34	3	36	38

*F-R statute = 7 days; F-H statute = 45 days; H-M statute = 7 days.

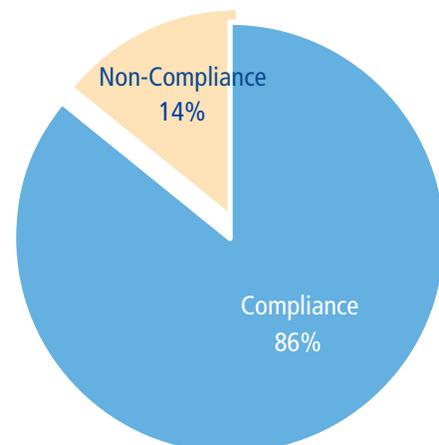
NON-COMPLIANT CLAIMS

RC 4123.511(C) dictates that an appeal or motion to a DHO must be heard within a 45-day period. This is inclusive of the statutory 7-day period the BWC has to forward the claim data to the IC in accordance with RC 4123.511(B)(3).

For CY 2017, 6,195 (14%) of the Allowance docket claims heard were beyond the statutory 45-day Filing to Hearing time frame reflecting a percentage increase of two points from the rate of non-compliance (12%) in CY 2016.

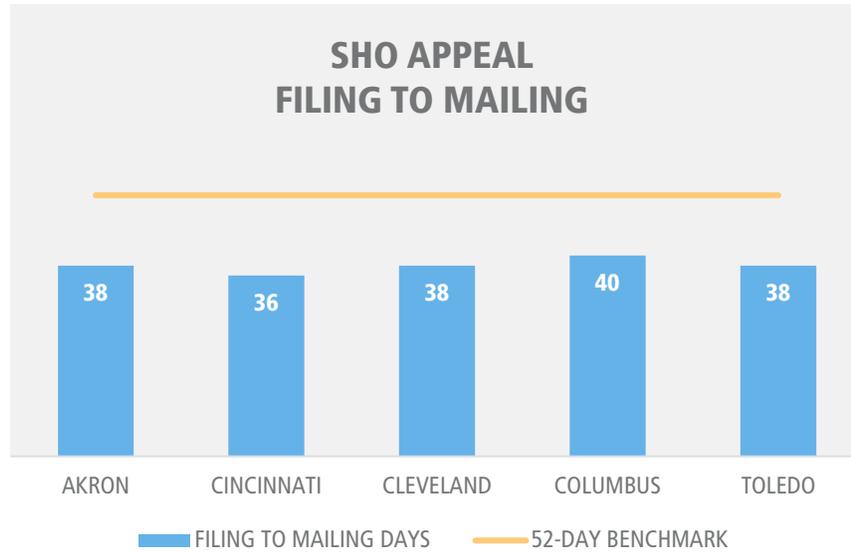
During CY 2017 there were 4,138 (9%) Allowance docket claims heard that were beyond the 38-day Receipt to Hearing benchmark.

DHO ALLOWANCE FILING TO HEARING 44,351 QUALIFYING RECORDS



STAFF HEARING OFFICER APPEAL TIME FRAMES

Staff hearing officers heard a total of 27,446 Appeal docket claims during CY 2017. Of those, 23,625 (86%) qualified for inclusion in time studies. On average, all IC offices performed within the statutory and benchmark limits.



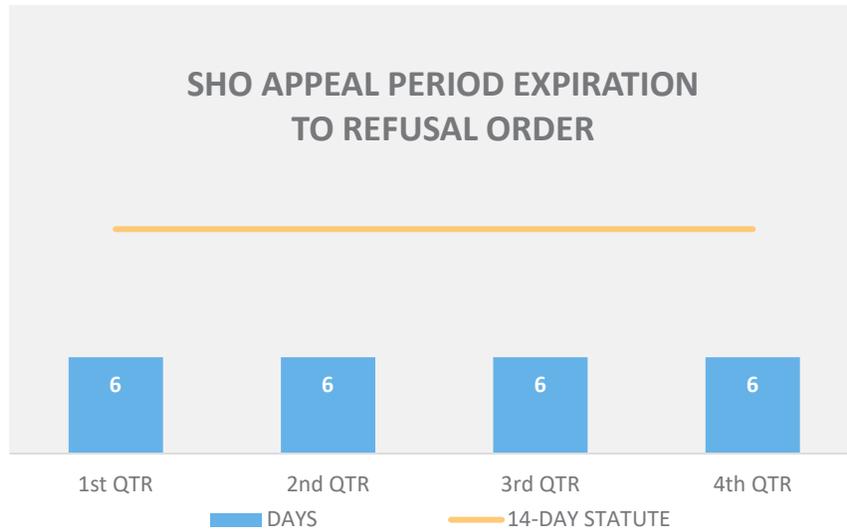
2017 STATEWIDE SHO APPEAL PERFORMANCE

2017 QTR	F-H*	H-M*	F-M
1 ST	33	3	36
2 ND	33	4	36
3 RD	35	4	39
4 TH	35	5	40
AVERAGE	34	4	38

*F-H statute = 45 days; H-M statute = 7 days.

SHO REFUSAL ORDER TIME FRAMES

Appeals to SHO orders are discretionary in nature and processed centrally by the Commission Level Hearing Section in Columbus. Per RC 4123.511, if an appeal is refused, the Commission shall issue a refusal order within 14 days after the expiration date of the period in which an appeal may be filed to an SHO order.

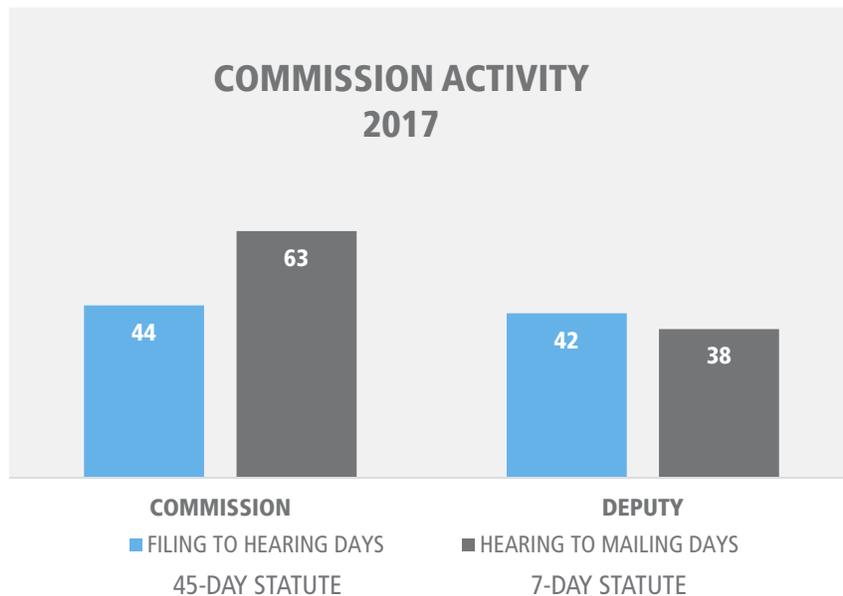


COMMISSION LEVEL TIME FRAMES

For hearings conducted during CY 2017, the combined venue average for the statutory 45-day period *Filing to Hearing* (F-H) of an appeal is compliant at 43 days. This is improved five days from the CY 2016 average.

The combined venue average for the statutory 7-day period *Hearing to Mailing* (H-M) of an appeal is 43 days. This is a three-day improvement from the 46-day average during CY 2016.

The combined venue average for the *Filing to Mailing* (F-M) time frame is 85 days, a nine-day improvement from the 94-day average for CY 2016.

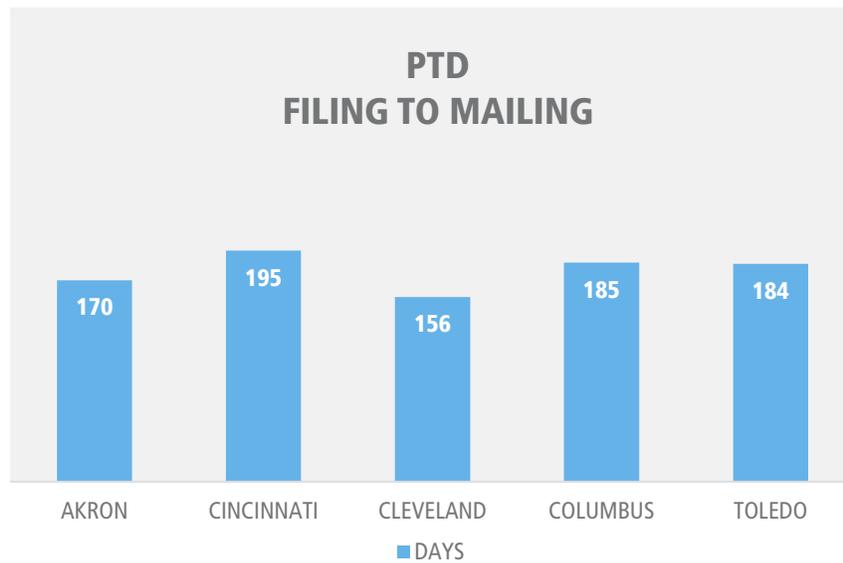


PERMANENT TOTAL DISABILITY TIME FRAMES

A total of 1,028 PTD claims were heard during CY 2017. PTD claims qualifying for inclusion in the time studies equaled 684 (67%). Only those claims in which a decision is final in nature are calculated. Decisions involving a continuance, cancellation, or referral are not used in the calculation of the performance estimate.

During CY 2017, PTD applications were adjudicated within an average of 178 days (approximately six months) from the application filing date, a 15-day regression from CY 2016.

PTD hearings are typically taken under advisement with a final order published at a later date. On average, final orders were published within six days of the hearing during CY 2017.



STATISTICAL OVERVIEW

INVENTORY	2016	2017
BWC New Claims Filed	124,292	120,902
IC Motions/Appeals Filed (first level)	124,284	114,748
HEARING ACTIVITY		
Claims Heard	123,579	108,902
DHO Venue	86,605	76,435
SHO Venue	36,699	32,208
COM Venue	275	178
Claims Heard Per Day (DHO/SHO)	495	442
DHO Heard Per Day	348	311
SHO Heard Per Day	147	131
Continuances: Prior to Hearing	23,450	20,628
Continuances: At Hearing	6,915	6,242
MEDICAL ACTIVITY		
Specialist Examinations Performed	2,151	1,998
PERFORMANCE		
DHO Allowance Timeframes (F-M)	36 days	38 days
Non-Compliant DHO Claims	6,219	6,195
SHO Appeal Timeframes (F-M)	37 days	38 days
Commission Appeal Timeframes (F-M)	94 days	85 days
Refusal Orders	6 days	6 days

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Jodie M. Taylor	<i>Member, Industrial Commission</i>
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Chris Minter	<i>Director, Security Services</i>
Vacant	<i>Hearing Officer Trainer</i>

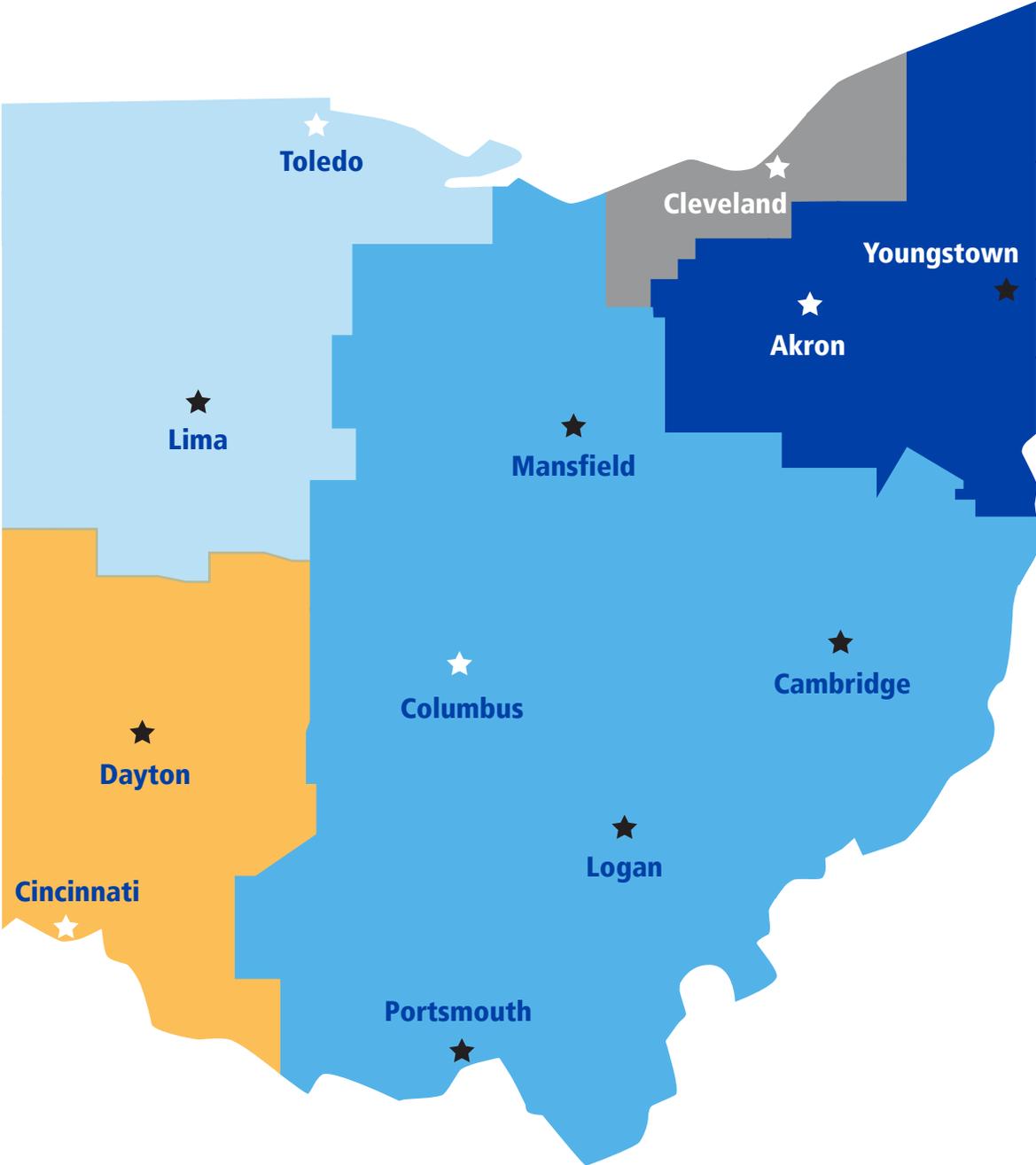
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