

*****DRAFT – NO CHANGE*****

4121-3-25 Application for change of occupation allowance.

(A) Eligibility for a change of occupation allowance:

- (1) Where it is found that a change of occupation is medically advisable for an employee suffering from silicosis, coal miners' pneumoconiosis or asbestosis contracted in the course of employment but not totally disabled therefrom, and, any other diseases which may be specified by law for which the statutory allowance for change of occupation may be granted, or
- (2) Where it is found that a change of occupation is medically advisable for a fire fighter or police officer suffering from a cardiovascular and pulmonary disease contracted in the course of employment but not totally disabled therefrom,
- (3) Pursuant to the provisions of section 4123.57 of the Revised Code such employee may make application for the approval of the statutory allowance for such change of occupation, in order to decrease substantially further injurious exposure.

(B) This rule is applicable to public employees, employees of employers contributing to the private fund, employees of self-insuring employers and employees of amenable but noncomplying employers.

(C) If an employer or claimant timely appeals the order of the administrator issued under division (D) or (E) of section 4123.57 of the Revised Code, or in the case of a contested application, filed in a claim other than a state fund claim, requesting an award under division (D) or (E) of section 4123.57 of the Revised Code, the commission shall refer the claim to an appropriate district hearing officer according to the provisions of section 4123.511 of the Revised Code and rule 4121-3-09 of the Administrative Code.

(D) To qualify for an award, as described herein, the employee must establish by appropriate evidence that the employee has discontinued employment or has changed the employee's occupation to one in which the exposure is substantially decreased. The fact that the employee continues employment with the same employer will not preclude the granting of the award so long as employment subsequent to the change is such that the exposure is substantially decreased and the change of occupation is certified by the claimant as permanent.

(E) An award for change of occupation in excess of the initial thirty weeks must be supported by evidence of employment in an occupation in which the exposure is substantially decreased or evidence of reasonable attempts to secure employment in an occupation in which the exposure is substantially decreased.