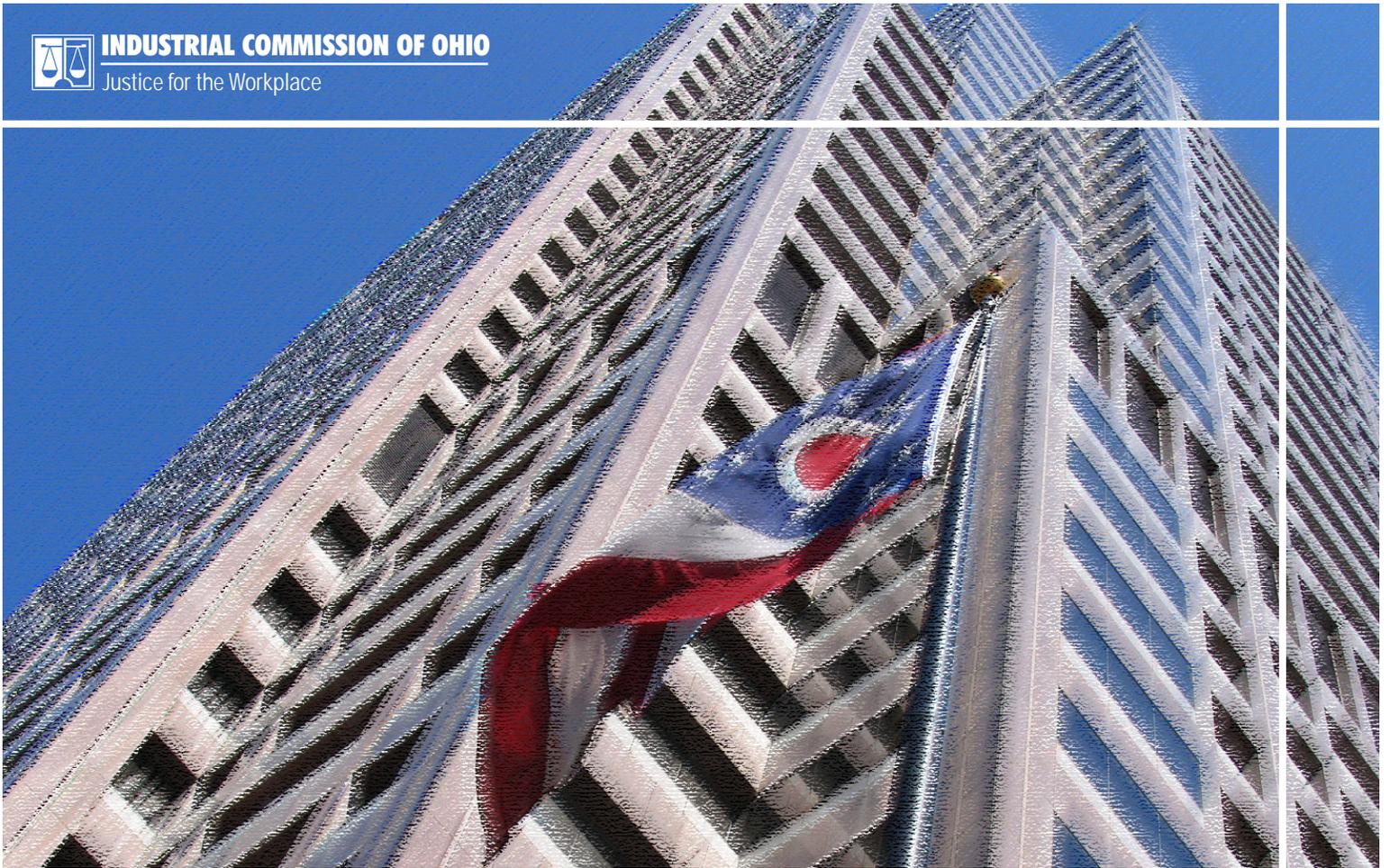




INDUSTRIAL COMMISSION OF OHIO

Justice for the Workplace



PRODUCTION **2007** ACTIVITY



Industrial Commission

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MEMBER

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Report Compiled by the Office of Management Planning

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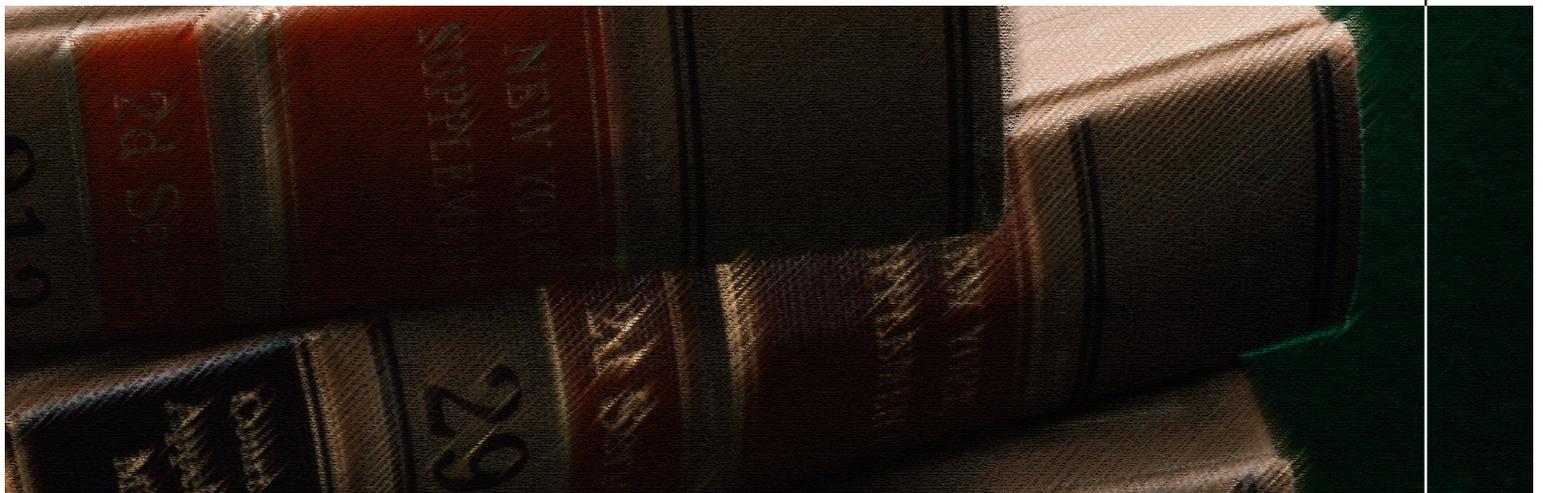
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PRODUCTION **2007** ACTIVITY

INVENTORY



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 subject to volatile daily swings dependent on appeal filings, claim receipt flows from the BWC, examiner production in relation to the number of issues involved in a claim, docketing loads, and continuances granted.

The BWC recorded more than 199,000 new injury, occupational disease, and death claims during the 2007 calendar year (CY). Approximately 31,000 (16%) of these filings were for self-insured employers. The breakdown of claims by risk type and claim type is as follows:

CLAIM TYPE	DEATH	LOST TIME	MEDICAL ONLY	OCCUPATIONAL DISEASE	TOTAL CLAIMS FILED
SELF-INSURED (SI)	138	8,201	22,495	393	31,227
NON-SI	295	6,377	160,808	1,018	168,498
TOTAL	433	14,578	183,303	1,411	199,725

Source: BWC Datawarehouse (unrevised)

On average, 14% of all new claims filed are contested in whole or in part and received in the IC for determination. Original allowance and Death allowance issues were captured for 27,516 claims during calendar year 2007. The majority of these result in an allowance docket hearing.

Approximately 178,973 new first level motions were filed during CY 2007 for 133,510 separate claims. It should be noted that a number of claims have multiple issues attached per motion and not all motions or appeals will result in a hearing. Approximately 237,614 issues were captured at the first and second levels during CY 2007 reflecting a six percent decrease from CY 2006. DHO level issues account for 70% of this total. Of the 71,145 issues captured at the SHO level, 97% consist of appeals and objections to respective DHO level Allowance and C92 orders. CY 2007 First Level **ICON** filings, inclusive of .522/.52 filings and appeals to BWC orders, totaled 57,119 while Second Level and Above filings, inclusive of appeals to DHO and SHO orders, totaled 64,556 .

MOTIONS/APPEALS CAPTURED 2007	VOLUME PER DOCKET TYPE	PERCENT OF TOTAL
DHO ALLOWANCE*	130,729	55%
DHO C92*	35,740	15%
SHO APPEAL	56,306	24%
SHO PTD*	2,349	< 1%
SHO RECON	8,383	4%
SHO VSSR*	925	< 1%
SHO MISC*	3,182	1%

*FIRST LEVEL DOCKET TYPE

Appeals and reconsiderations filed at the Commission hearing level total 25,599 and 841, respectively for CY 2007.



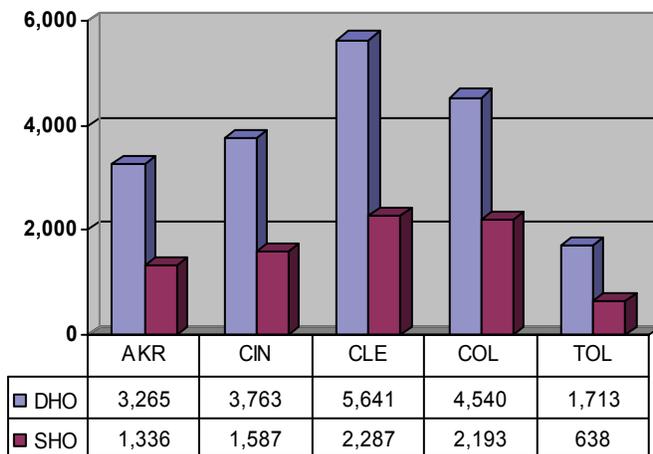
Inventory

Allowance docket processes account for 51% of IC total inventory and are comprised of issues other than those for original claim allowance. DHO issues account for 70% of total inventory while SHO issues account for 30%. Claims being processed for medical exams are not presented.

ENDING INVENTORY- DECEMBER 31, 2007	CLAIM VOLUME	PERCENT OF INVENTORY
ALLOWANCE	12,983	51%
C92	4,823	19%
APPEAL	4,957	20%
PTD	1,155	5%
RECON	878	3%
VSSR	422	2%
MISC	172	1%

*PERCENTAGES MAY NOT ADD DUE TO ROUNDING

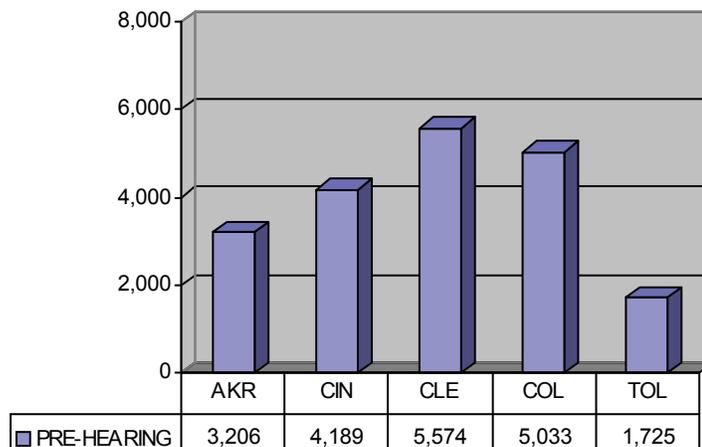
AVERAGE ENDING INVENTORY



Statewide average monthly DHO/SHO ending inventory was 26,962 claims for CY 2007. Regional breakdown of average inventory in CY 2007 is as follows: Cleveland-29%; Columbus-25%; Cincinnati-20%; Akron-17%; Toledo-9%.

As of December 31, 2007, the IC maintained a pre-hearing inventory of 19,727 claims processes at DHO and SHO levels. This accounts for 78% of total ending inventory. Regional pre-hearing levels as a percentage of respective inventories are as follows: Akron-76%; Cincinnati-79%; Cleveland-79%; Columbus-77%; Toledo-74%. The remainder of the inventory constitutes post-hearing claims awaiting an order or under appeal status. Additional claims under review, or in STAGING preparation, outside of normal hearing processes are not included in the ending and average inventory figures. These un-posted volumes average approximately 873 claims at the end of any given month.

PRE-HEARING INVENTORY - 2007

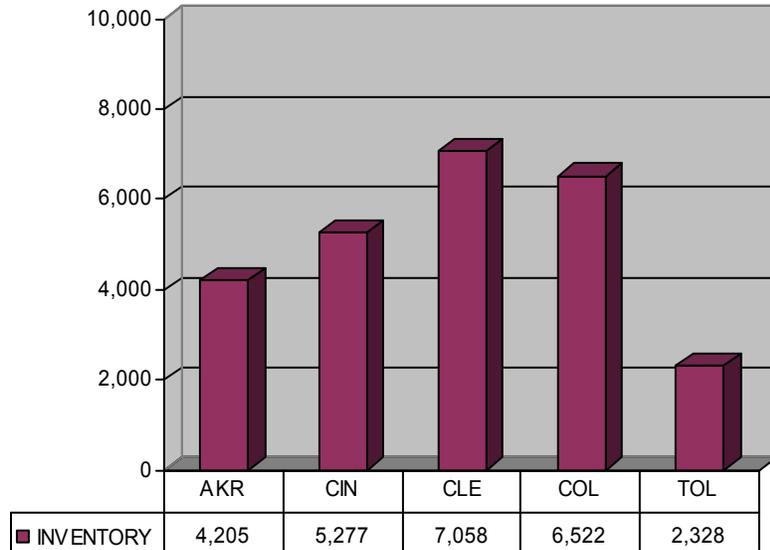


As of December 31, 2007, statewide ending inventory totaled 27,061 claims at all adjudicatory levels (including medical claims). Regional DHO/SHO inventory levels are presented at the right and are exclusive of claims being processed for medical exams or reviews.

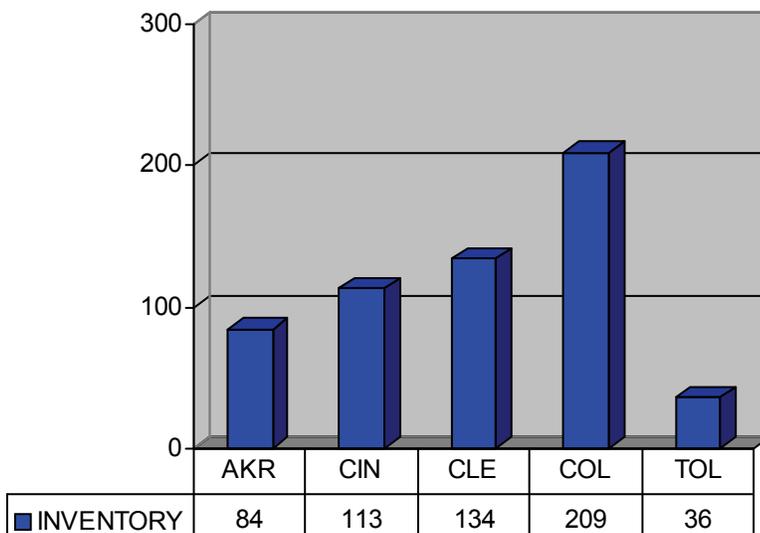
The following volumes of claims being processed in the Court Unit, and for Attorney Fees are counted by application as those claims are not always physically on hand:

- Court Unit- n/a
- Attorney Fees-22

ENDING DHO/SHO INVENTORY - 2007



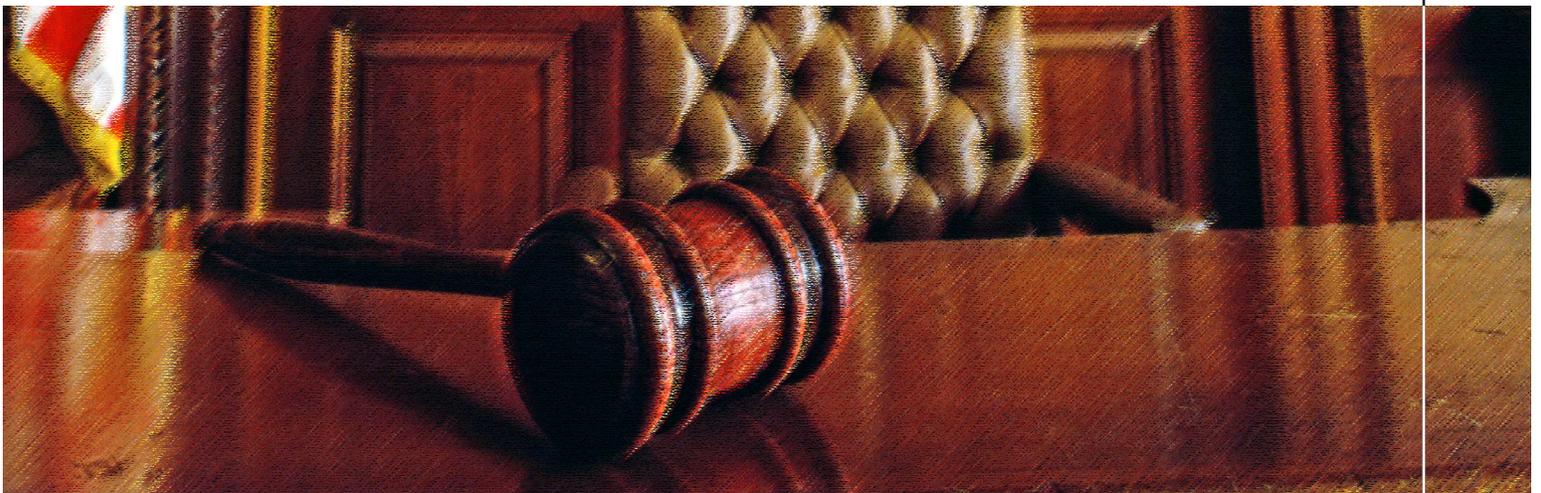
ENDING MEDICAL INVENTORY - 2007



The volume of claims being processed within the IC medical sections as of December 31, 2007 was 576, accounting for approximately 2% of total ending inventory. The majority of these claims (99%) are being processed for PTD related specialist exams. The remaining claims have been referred for an exam or medical review for non-PTD related issues. Scheduling of all initial PTD medical exams is centralized and performed within the Columbus region.

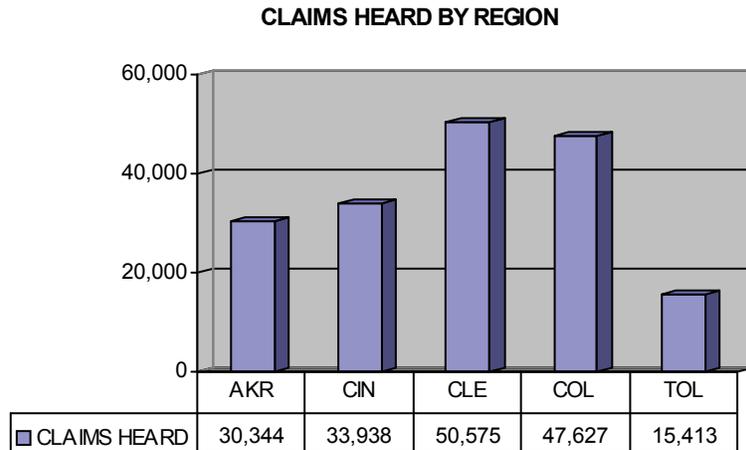
PRODUCTION **2007** ACTIVITY

HEARING ACTIVITY



Claims Heard

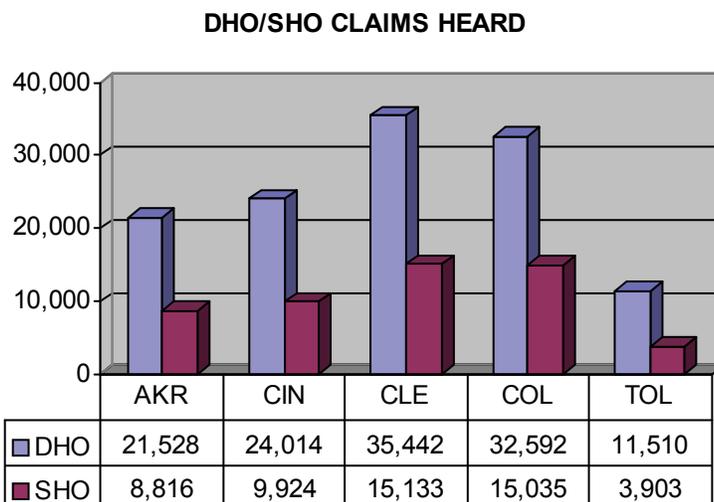
The Industrial Commission heard a total of **178,172** claims during calendar year 2007 at all adjudicatory levels. This is six percent lower than the 2006 total of 188,622 claims heard. The total DHO volume accounts for 70% of overall hearings at 125,086 claims heard. Total SHO claims heard are recorded at 52,811 claims. Deputy venue claims heard totaled 61 in CY 2007 while the Commission venue recorded 214 claims heard.



Approximately 41,497 issues were captured that do not initially require formal adjudication via hearing (lump sum settlements, lump sum advancements, Hearing Administrator issues, PT adjustments, etc.). These issues receive review and processing at the clerical, 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 the normal adjudicatory process and are reflected accordingly under respective hearing venues.

The 41,497 total noted above is a 51% increase over the volume of non-hearing issues captured in 2006 (27,448). During FY 2006, the BWC established an initiative to pursue increased settlement of claims¹. The BWC is required to forward LSS issues to IC for review per statute.

This is the primary contributing factor to the increased filings noted above.



Regionally, the distribution of CY 2007 claims heard at DHO and SHO hearing levels is as follows: Cleveland – 28%; Columbus - 27%; Cincinnati - 19%; Akron - 17%; Toledo - 9%. The total claims heard figure is inclusive of continuances, referrals, dismissals, and other final determinations made as result of a hearing.

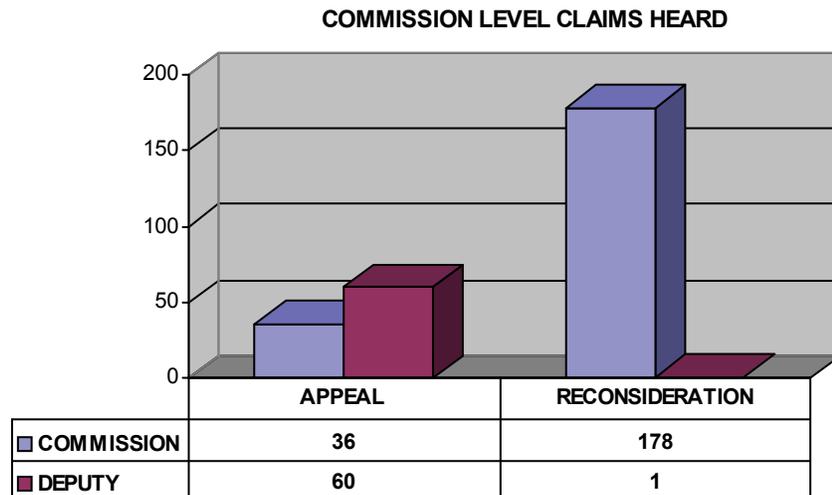
DHO and SHO hearings were conducted on 243 days during CY 2007. An average of 732 claims were heard per day at the DHO/SHO hearing levels. District Hearing Officers averaged 515 claims heard per day while Staff Hearing Officers averaged 217 claims heard per day.

¹: BWC Annual Report-2006

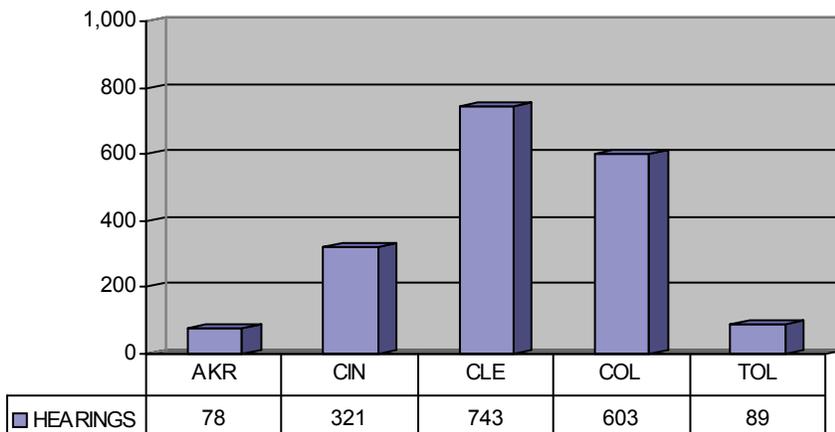


Claims Heard

Commission level hearings were scheduled on 46 days during CY 2007. Commission venue appeals and recons were scheduled at a rate of 6 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 indistinct.

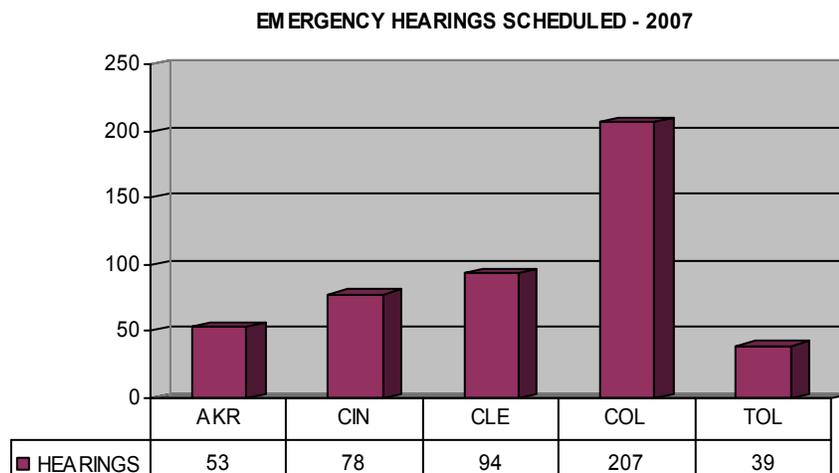


HEARINGS HELD REQUIRING INTERPRETERS - 2007



A total of 1,834 hearing records were flagged as requiring interpreter services during CY 2007 marking a five percent decrease from CY 2006.

A total of 471 emergency hearings were scheduled during CY 2007. Emergency hearings are scheduled based on designated docket types per IC rule, circumstantial requests by the respective parties of a claim, or other justifiable cause.



Claims Heard

Claims Heard by Docket Type

DHO Allowance claims heard account for 51% of the statewide total while DHO C92 claims account for 19%. SHO dockets are accounted for as follows: Appeals - 23%; Reconsiderations - 5%; PTD - 1%; MISC - 1%; VSSR - less than 1%. Commission and Deputy venue hearings account for less than 1% of the statewide total.

REGION	AKR	CIN	CLE	COL	TOL	Total
DOCKET TYPE						
DHO Allowance	14,522	19,247	23,584	24,734	8,564	90,651
DHO C-92	7,006	4,767	11,858	7,858	2,946	34,435
SHO Appeal	6,218	8,399	11,357	11,200	3,180	40,354
SHO Reconsideration	2,064	668	2,677	2,499	409	8,317
SHO Miscellaneous	226	295	467	319	119	1,426
SHO VSSR	25	27	55	53	14	174
SHO PTD	283	535	577	964	181	2,540
Deputy	0	6	11	41	3	61
Commission	5	4	0	200	5	214
Total	30,349	33,948	50,586	47,868	15,421	178,172

Hearings Held by Employer Group

Hearings were conducted for 33,039 different risks during CY 2007. Hearings for claims of private state funded employers accounted for 56% of all hearings while self-insured employers accounted for 30%, public county employers accounted for 10%, and public state employers' claims accounted for 4%. There is not a one-to-one relationship between claims heard and hearings held as some hearings involve more than one claim and/or employer.

EMPLOYER TYPE	State Fund	Self-Insured	Pol. Sub (County)	State	Total
DOCKET TYPE					
DHO Allowance	51,796	26,924	8,832	3,130	90,682
DHO C-92	18,437	10,018	4,657	1,327	34,439
SHO Appeal	22,250	12,914	3,724	1,470	40,358
SHO Reconsideration	4,120	2,956	912	331	8,319
SHO Miscellaneous	873	366	149	40	1,428
SHO VSSR	142	27	2	1	172
SHO PTD	1,057	282	147	57	1,543
Deputy	30	27	3	1	61
Commission	98	99	5	13	215
Total	98,803	53,613	18,431	6,370	177,217

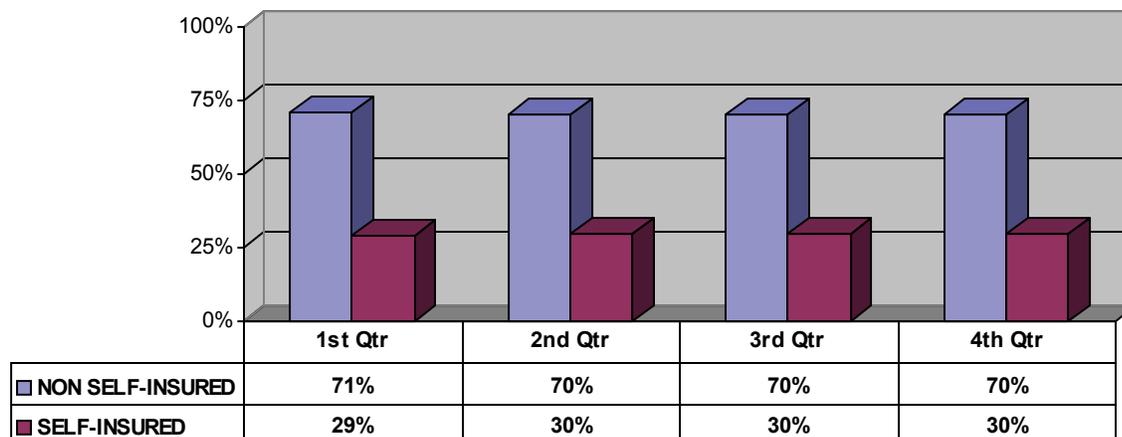


DHO Risk Types and PTD Decisions

DHO Risk Type Analysis

During CY 2007, 30% of all claims heard on DHO Allowance dockets were for self-insured risks while 70% were for non-SI risks. Statewide, quarterly ratios remained relatively steady throughout the year with slight variations by region.

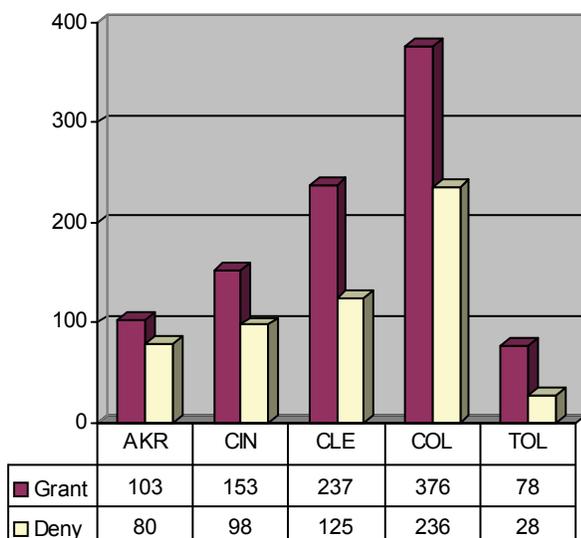
PERCENTAGE ANALYSIS OF RISK TYPE DHO ALLOWANCE ONLY



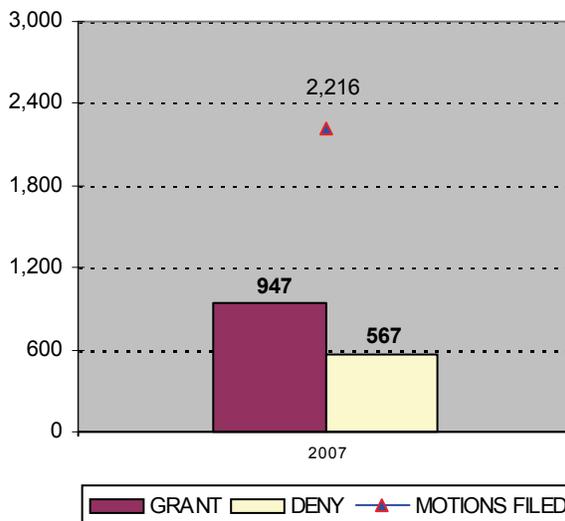
PTD Decisions

During CY 2007, 62% of the decisions rendered were PTD Grants versus 38% PTD Denials. Regionally, grant/deny ratios were as follows: Akron: 56%-44%; Cincinnati: 61%-39%; Cleveland: 66%-34%; Columbus: 61%-39%; Toledo: 73%-27%. Given processing times for PTD applications, there is not always a direct correlation between motion filings and decisions rendered within the same calendar year.

PTD DECISIONS - 2007

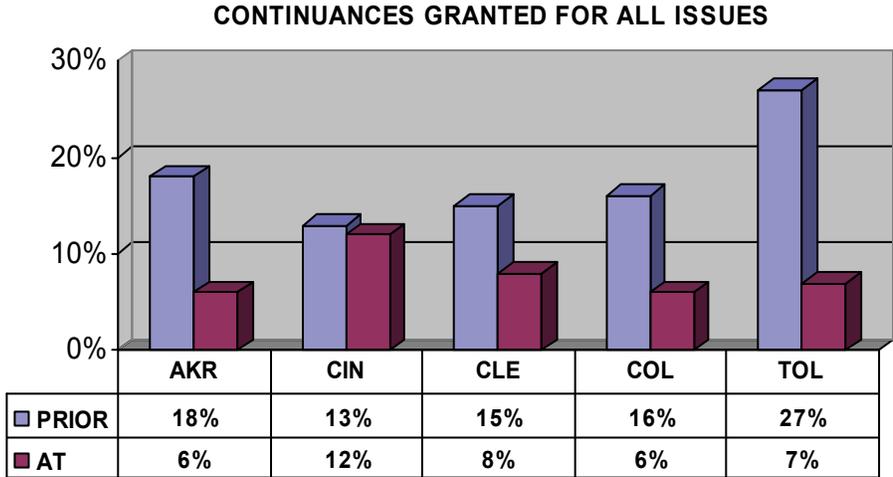


2007 DECISIONS OF PTD FILINGS BY NUMBER OF INJURED WORKERS

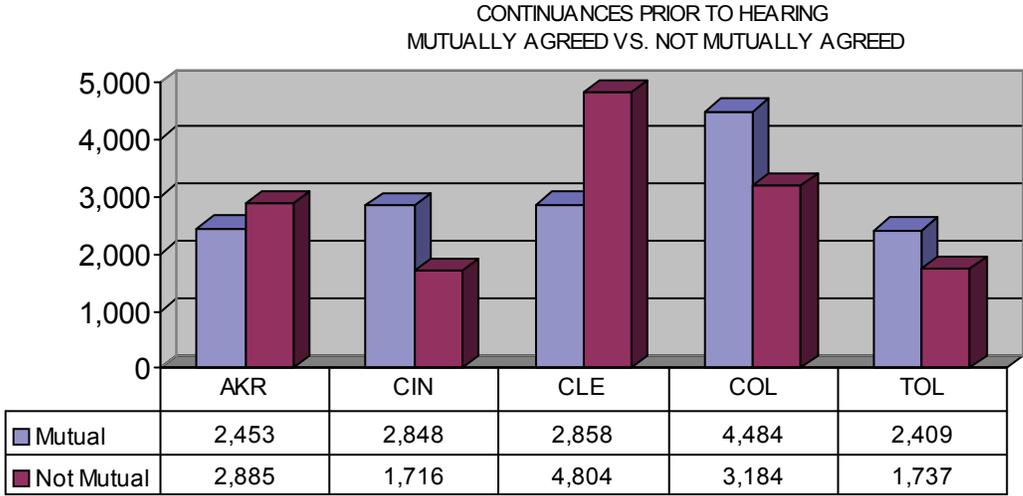


Continuances

Statewide, the average continuance rates prior to hearing and at hearing for all issues increased from CY 2006. Continuances granted **prior** to hearing for all issues totaled 29,375 (17% of claims heard) during CY 2007 while continuances granted **at** hearing totaled 13,759 (8% of claims heard). The Toledo region maintained the highest rate for continuances prior to hearing at 27%. The Cincinnati region maintained the highest rate for continuances at hearing registering 12%.



Continuances impact inventory backlogs, docketing, and time frames. Mutually agreed continuances prior to hearing are not eligible for statutory time frame consideration. Continuances prior to hearing that are not mutually agreed to 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

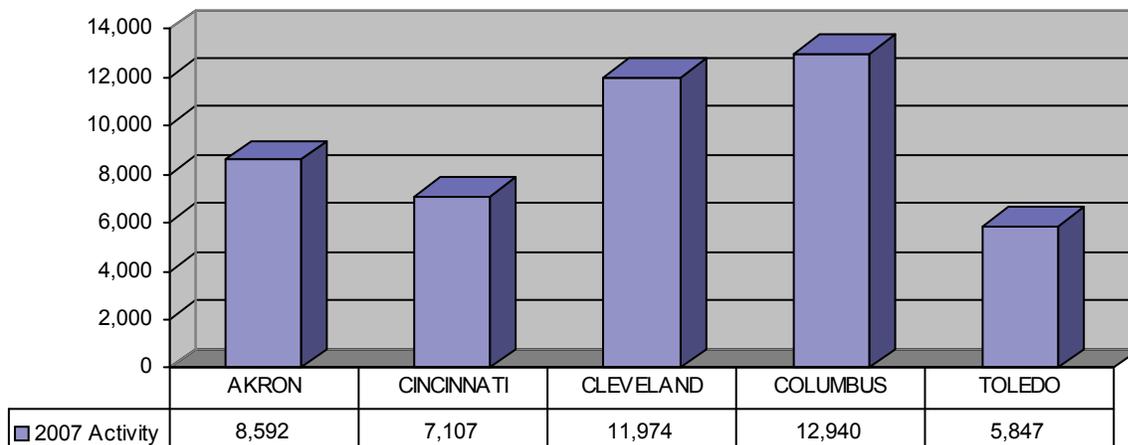
Hearing Administrator

Hearing Administrators perform a variety of functions that facilitate the adjudication process. In addition to processing more than 29,000 continuance requests during CY 2007, they also processed 11,130 requests to withdraw motions or appeals and cancel hearings that may have been scheduled. Additionally, Hearing Administrators made decisions and performed activities in the below categories during CY 2007:

	ISSUE PTD LETTERS	PRE-HEARING CONFERENCES	SUBPOENA REQUESTS		INTERROGATORIES / DEPOSITIONS		SUSPENSION REQUESTS		.522/.52 REQUESTS	
			GRANT	DENY	GRANT	DENY	GRANT	DENY	GRANT	REFER TO HEARING
AKRON	241	15	111	11	6	2	253	60	80	177
CINCINNATI	321	28	81	28	6	17	315	120	94	153
CLEVELAND	357	21	272	11	5	1	316	191	93	335
COLUMBUS	672	96	161	48	4	15	441	123	212	178
TOLEDO	170	12	109	6	1	0	167	53	37	80
TOTAL	1,761	172	734	104	22	35	1,492	547	516	923

Hearing Administrators also processed requests for extensions related to PTD filings and requests regarding other miscellaneous issues that are not presented in this report. Statewide, Hearing Administrators made decisions on, or referred to hearing, approximately 46,460 issues during CY 2007. Regional volumes of Hearing Administrator activity are presented in the graph below. Regionally, Akron accounted for 19% of all Hearing Administrator activity during CY 2007; Cincinnati accounted for 15%; Cleveland accounted for 26%; Columbus accounted for 28%; and Toledo accounted for 13%.

HEARING ADMINISTRATOR ACTIVITY



PRODUCTION **2007** ACTIVITY

MEDICAL ACTIVITY



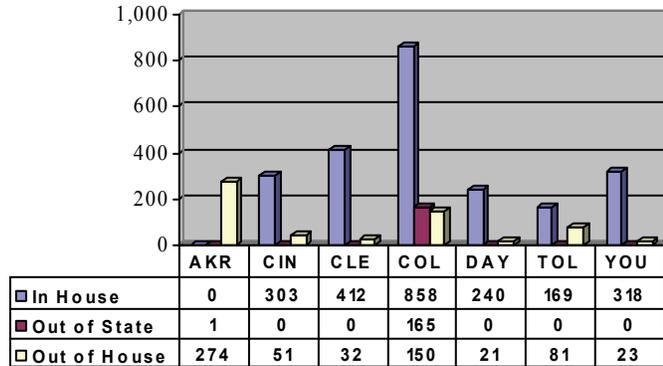
Medical Exams

Medical Specialist Exams

Statewide, a total of 3,098 specialist exams and medical reviews were performed on behalf of the Industrial Commission during CY 2007. The majority of these exams (99%) were related to PTD filings. This is inclusive of in-house, out of house, and out of state exams. The Akron region does not currently perform in-house medical exams. Scheduling of exams for claimants residing out of state is performed through the Columbus office.

The Columbus region accounted for 38% of the statewide total at 1,173 exams attributed to the region. The Cleveland region accounted for 14%; Cincinnati and Youngstown each accounted for 11%; Akron accounted for 9%; Dayton and Toledo each accounted for 8%.

MEDICAL EXAMS PERFORMED



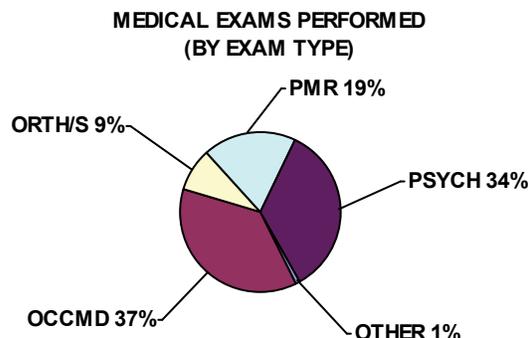
Medical Exams/Reviews Scheduled

A total of 3,700 exams were scheduled during CY 2007. A total of 602 were rescheduled, canceled, or the injured did not show for the exam. The statewide volume of injured worker no-shows increased by 11% from CY 2006 while the volume of rescheduled exams increased 8%.

DISTRICT	AKR	CIN	CLE	COL	DAY	TOL	YOU
Cancellation Rate*	16%	16%	16%	17%	14%	20%	15%
Canceled	16	22	26	59	4	13	13
No-Show	19	11	18	68	5	4	5
Rescheduled	17	32	40	107	32	47	44
Performed	275	354	443	1,173	261	250	341
Total Scheduled	327	419	527	1,407	302	314	403

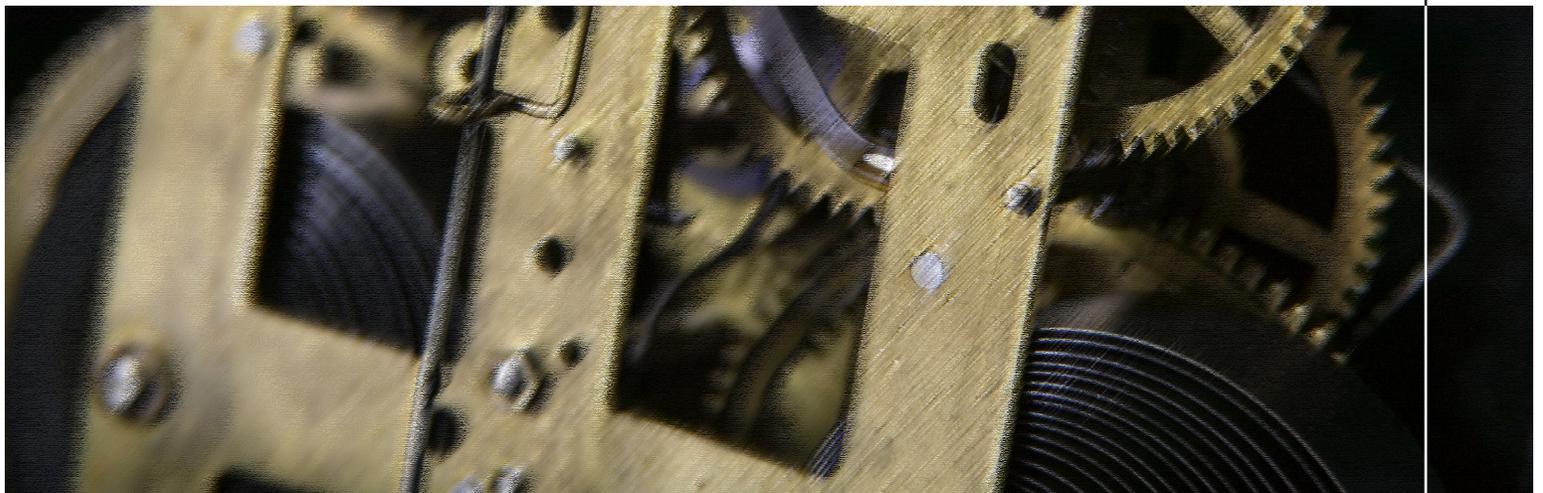
* Cancellation rate is calculated based on exams that are canceled, rescheduled, or IW did not show

For medical specialist exams performed during 2007, OCCMD specialists account for the largest portion of total exams performed at 37% (1,142 exams). This is followed by PSYCH specialists exams at 34%; PMR specialists exams at 19%; ORTH/ORTHS specialists exams at 9%; and OTHER specialist types at 1%.



PRODUCTION **2007** ACTIVITY

PERFORMANCE



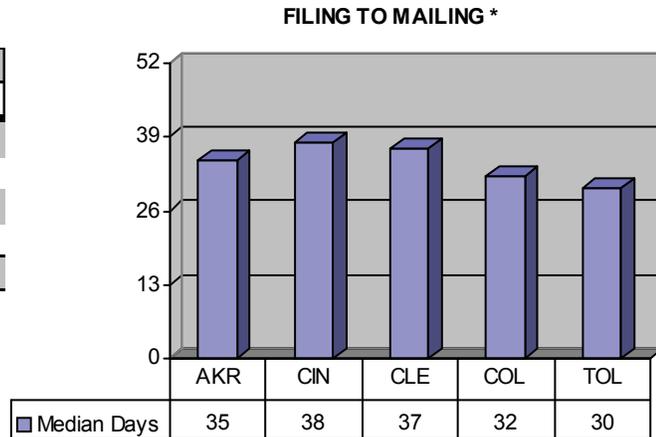
DHO Performance and Non-Compliant Claims

DHO Performance

District hearing officers heard a total of 90,651 allowance claims during CY 2007. Of those, 71,656 qualified for inclusion in time studies. On average, all IC offices performed within the statutory and benchmark limits set forth in HB 107 and HB 413. The IC performance is set at 38 days. This performance measure is based on the difference between the two statutory periods *Filing to Hearing* and *Filing to Receipt* (45 – 7).

DHO ALLOWANCE MEDIAN DAYS						
2007	F-R	R-H*	F-H	H-M	R-M	F-M
1st QTR	1	28	33	3	32	36
2nd QTR	1	28	32	3	32	35
3rd QTR	1	27	30	3	30	33
4th QTR	1	27	30	3	30	33
AVG	1	28	31	3	31	34

* IC Benchmark = 38 days

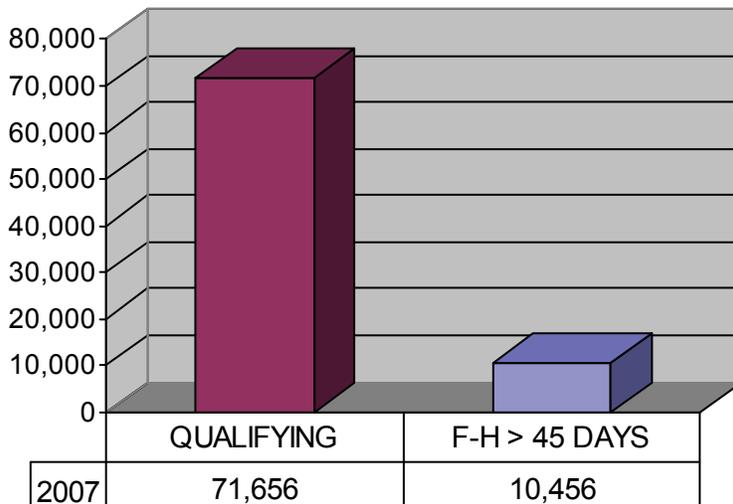


* Benchmark = 52 days

Non-Compliant Claims

HB413 dictates that an appeal or motion filing 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.

Of the qualifying 2007 Allowance docket claims heard, 10,456 claims, or 15%, were beyond the statutory 45-day *Filing Date to Hearing Date* time frame. For CY 2007 there were 6,580 Allowance claims heard, or 9.2%, that were beyond the 38-day *Receipt Date to Hearing Date* benchmark reflecting IC performance. This reflects a 10% decrease in the volume of non-compliant claims with an improvement of approximately one percentage point in the rate of non-compliance compared to 2006 performance.

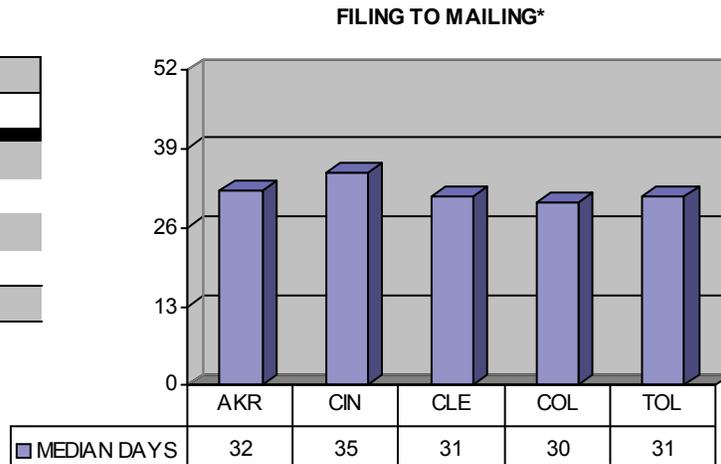


SHO and Commission Performance

SHO Performance

Staff hearing officers heard a total of 40,354 appeal claims during CY 2007. Of those, 32,811 qualified for inclusion in time studies. On average, all IC offices performed within the statutory and benchmark limits (Filing to Hearing 45-days, Hearing to Mailing 7-days, Filing to Mailing 52-days).

SHO APPEAL MEDIAN DAYS			
2007	F-H	H-M	F-M
1st QTR	29	3	33
2nd QTR	27	3	30
3rd QTR	28	3	32
4th QTR	28	3	31
AVG	28	3	32



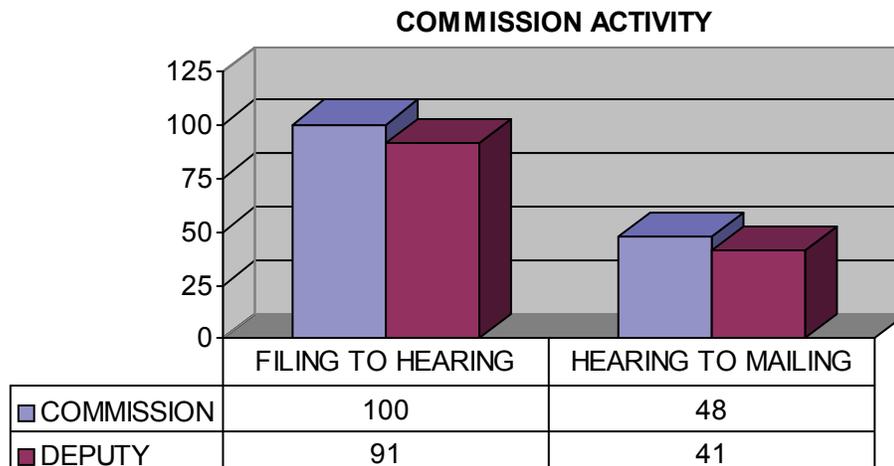
* Benchmark = 52 days

Commission Performance

For hearings conducted during CY 2007, the combined venue (commission and deputy) average for the period **Filing of Appeal to Hearing Date** is 94 days. This is a 13-day regression from the CY 2006 average of 81 days.

The combined venue average for the period **Hearing to Mailing Date** is 44 days. This is an improvement of 22 days from the CY 2006 average of 66 days.

The combined venue average for the **Filing of Appeal to Mailing of Order** time frame is currently 137 days, a 10-day improvement from the CY 2006 rate.



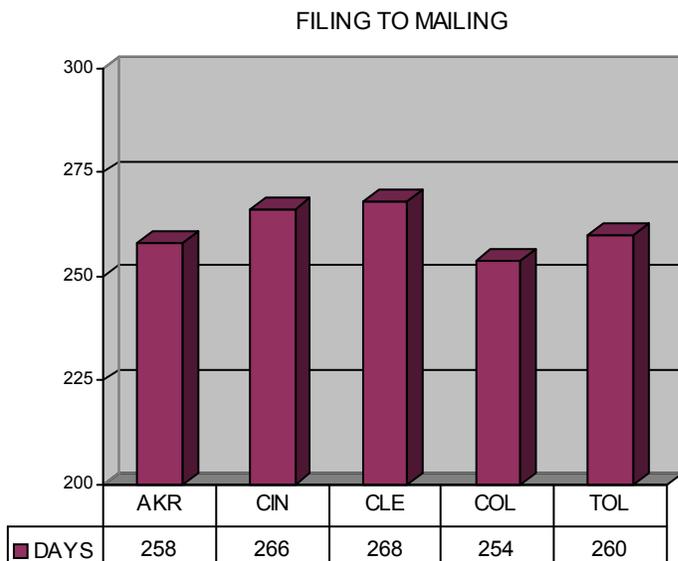
* Commission hearing figures may fluctuate as order records are received



PTD and SHO Refusal Order Performance

PTD Performance

A total of 2,540 PTD claims were heard during CY 2007. A total of 2,184 qualified for inclusion in the time studies (86%). Only those claims in which a decision is final in nature are tracked. Decisions involving a continuance or referral are not used in the calculation of the performance estimate.



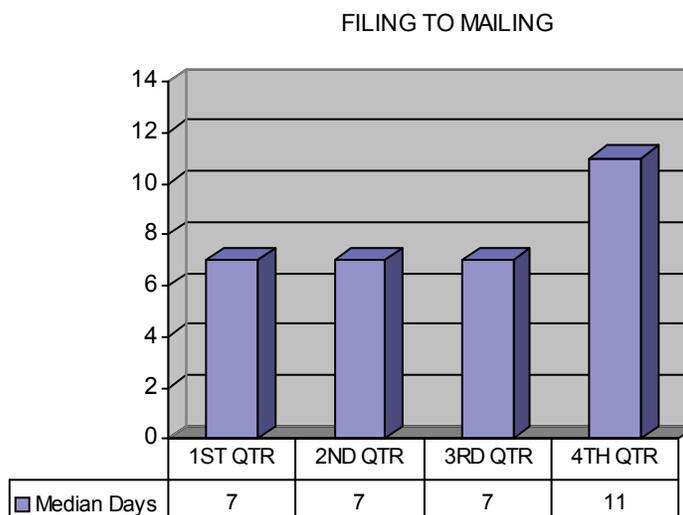
During CY 2007, PTD applications were adjudicated within approximately 261 days of the application filing date marking an increase from 219 days during CY 2006.

PTD hearings are typically taken under advisement with a final order published at a later date. Statewide, final orders were published within six (6) days of the hearing during CY 2007.

SHO Refusal Order Performance

Appeals to SHO orders are discretionary in nature and processed centrally by the Commission Level Hearing Section in Columbus. Per mandate, if an appeal is refused, it is to receive a refusal order within 14-days of the appeal filing date.

On average, refusal orders were issued within eight (8) days of the appeal filing throughout CY 2007. This is unchanged from CY 2006 performance. The sharp increase in the fourth quarter reflected below is primarily due to staff shortages experienced in that division during the respective reporting period.



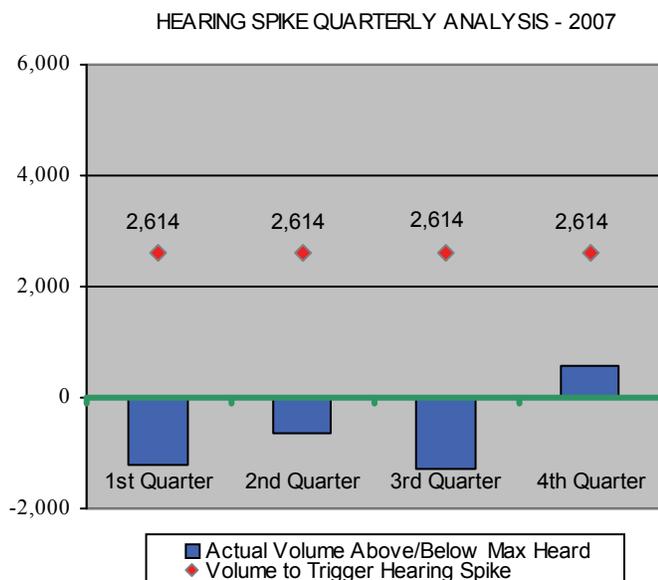
Hearing Spike and Court Cases

Hearing Spike

The Hearing Spike Analysis is compiled in conformance with the directives set forth in HB413 and IC Resolution 96-1-05. Per this directive, a hearing spike occurs when the volume of claims ready for hearing at the end of any given month exceeds the maximum number of DHO/SHO claims heard in any of the preceding twelve calendar months by fifteen percent. A hearing spike did not occur during CY 2007.

The diagram shown below presents three key elements:

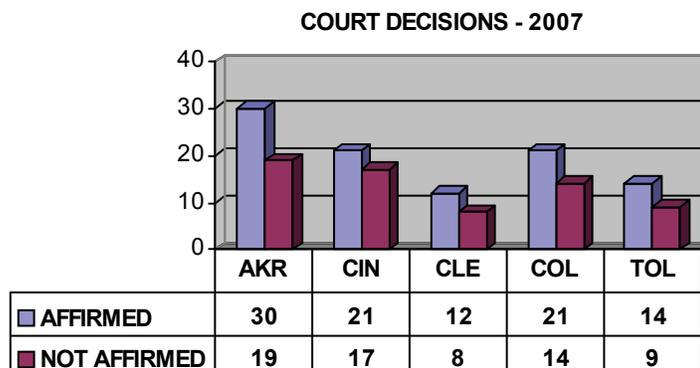
- **ZERO LEVEL (green line)** – this floor represents the maximum heard total (per the statute) at the end of each respective quarter
- **DIAMOND MARKER (red markers)** – represents the volume of claims above the maximum heard total that would have triggered a hearing spike at the end of each quarter
- **BAR MARKER (blue bars)** – represents the actual volume of claims ready for hearing that were above or below the 12-month maximum heard total at the end of the respective quarter



The volume for *Claims Ready for Hearing* at the end of CY 2007 was 18,008 claims. This is 584 claims (3%) above the maximum heard total but 2,030 claims below the volume that would result in a hearing spike.

Court Decisions

The statewide court affirmation rate is 59% for CY 2007 marking a twelve point regression from CY 2006 performance.



Statistical Overview

INVENTORY	2007	2006
BWC New Claims Filed	199,725	209,631
IC Motions/Appeals Filed (first level only)	178,973	176,225

HEARING ACTIVITY

Claims Heard	178,172	188,622
DHO Venue	125,086	133,527
SHO Venue	52,811	54,777
COM Venue	275	318
Claims Heard Per Day (DHO & SHO)	732	769
DHO Heard Per Day	515	545
SHO Heard Per Day	217	224
Continuances: Prior to Hearing	29,378	28,470
Continuances: At Hearing	13,759	13,272

MEDICAL ACTIVITY

Specialist Examinations Performed	3,098	3,049
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PERFORMANCE

DHO Allowance Timeframes (F-M)	34 days	36 days
Non-Compliant DHO Claims	10,456	11,674
SHO Appeal Timeframes (F-M)	32 days	33 days
Commission Appeal Timeframes (F-M)	137 days	147 days
Refusal Orders	8 days	8 days
Court Affirmation Rate	59%	71%



Distribution List

COMMISSION ADMINISTRATION

Gary M. DiCeglio	<i>Chairperson, Industrial Commission</i>
William E. Thompson	<i>Member, Industrial Commission</i>
Kevin R. Abrams	<i>Member, Industrial Commission</i>
Patrick J. Gannon	<i>Executive Director</i>
Tim Adams	<i>Director, Non-Adjudicatory Operations</i>
Tom Connor	<i>Director, Hearing Services</i>
Paul Walker	<i>Legal Counsel</i>
Rick Tilton	<i>Hearing Officer Trainer</i>

NON-ADJUDICATORY OPERATIONS

Linda Bozeman	<i>Manager, Legislation & Customer Service</i>
John Georgiton	<i>Manager, Fiscal Management</i>
Scott Greene	<i>Manager, Management Planning</i>
Crystal Hutchins	<i>Manager, Communications</i>
Robert Johnson	<i>Manager, Information Technology</i>
Cliff Mackey	<i>Manager, Operations Support</i>
Laurie Worcester	<i>Manager, Human Resources</i>

REGIONAL OFFICES

Denise Clark	<i>Chief, Claims Management</i>
Ellen Dickhaut	<i>Manager, Columbus Region</i>
Gregory Gibbons	<i>Manager, Cleveland Region</i>
Scott Hines	<i>Manager, Toledo Region</i>
Chris Kalafut	<i>Manager (Interim), Cincinnati Region</i>
Debra Lynch	<i>Manager, Akron Region</i>

