

2010

PRODUCTION ACTIVITY REPORT

Report Compiled by the Office of Management Planning

INDUSTRIAL COMMISSION

PRODUCTION ACTIVITY REPORT

SUMMARY OF STATISTICAL HIGHLIGHTS

JANUARY 1 - DECEMBER 31, 2010

I. MOTIONS/APPEALS/INVENTORY

A total of 216,697 issues were captured at the **District Hearing Officer** (DHO) and **Staff Hearing Officer (SHO)** levels for IC determination during calendar year (CY) 2010. The BWC recorded 144,172 new injury, occupational disease, and death claims for state funded and self-insuring employers during 2010. Of these filings, approximately 19,501 (14%) were contested and received in the IC for determination.

DHO level issues captured (Allowance and C92) total 149,749, while SHO level issues (Appeals, PTD's, Reconsiderations, VSSR's and SHO Miscellaneous) total 66,948. Appeals and reconsiderations filed at the Commission hearing level total 25,171 and 782, respectively. *First Level* ICON filings, inclusive of .522/.52 filings and appeals to BWC orders, totaled 63,991 while *Second Level and Above* ICON filings, inclusive of appeals to DHO and SHO orders, totaled 66,401.

Additionally, during the CY 2010 there were approximately 23,232 issues captured that do not initially require formal adjudication via hearing (lump sum settlements, lump sum advancements, Hearing Administrator issues, PT adjustments, etc.). This reflects an 11 percent decrease over the volume of non-hearing issues captured in 2009 (26,063). These "administrative review" issues are not typically reflected in scheduled production reports.

As of December 31, 2010, the IC ending inventory was 21,847 claims at the DHO and SHO levels. This is inclusive of claims being processed in the IC medical sections, which totaled 553.

II. HEARING ACTIVITY

The IC heard a total of 156,976 claims during CY 2010 at all adjudicatory levels. The total DHO volume accounts for 69% of overall hearings at 108,609 claims heard. Total SHO claims heard are recorded at 47,890 claims. Deputy venue claims heard totaled 118 in CY 2010 while the Commission venue recorded 359 claims heard.

DHO and SHO hearings were conducted on 244 days during CY 2010 at an average of 641 claims heard per day. District Hearing Officers averaged 445 claims heard per day while Staff Hearing Officers averaged 196 claims heard per day. Commission level hearings were scheduled on 85 days during CY 2010.

During CY 2010, 25% of all claims heard on DHO Allowance dockets were for self-insuring risks while 75% were for non-SI risks.

III. MEDICAL ACTIVITY

The IC currently schedules medical exams in seven districts - Akron, Cincinnati, Cleveland, Columbus, Dayton, Toledo, and Youngstown. A total of 2,799 specialist exams and medical reviews were performed on behalf of the IC during CY 2010. The majority of these exams (99%) were related to PTD filings.

IV. PERFORMANCE

District Hearing Officers heard a total of 81,874 allowance docket claims during CY 2010. The statewide median for the 45-day *Filing to Hearing* mandate is **33 days**. The statewide median for the 38-day *Receipt to Hearing* benchmark is **31 days**, while the statewide median for the seven-day *Hearing to Mailing* mandate is **2 days**.

Of the qualifying CY 2010 Allowance claims heard, 7,972 claims, or 12%, were beyond the 45-day *Filing Date to Hearing Date* mandate reflecting industry performance. Of the qualifying 2010 Allowance claims heard, 5,257 claims, or eight percent, were beyond the 38-day *Receipt Date to Hearing Date* benchmark reflecting IC performance. This reflects a 28% increase in the volume of non-compliant claims with a regression of approximately three percentage points in the rate of non-compliance compared to 2009 performance.

Staff Hearing Officers heard a total of 38,479 appeal claims during CY 2010. The statewide median for the 45-day *Filing to Hearing* mandate is **28 days**, while the statewide median for the seven-day *Hearing to Mailing* mandate is **2 days**.

A total of 2,220 PTD claims were heard during CY 2010. PTD applications were adjudicated within approximately **180 days**. This reflects a three-day regression from CY 2009. Statewide, final orders were published within **5 days** of the hearing during CY 2010.

Effective October 1, 2009, 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 eight days for the respective 14-day statutory requirement.

For hearings conducted during CY 2010, the combined venue Commission and Deputy average for the period *Filing of Appeal to Hearing Date* is **77 days**. This is a 23-day improvement from the 2009 average of 100 days. The combined venue average for the seven-day *Hearing to Mailing* mandate is **39 days**. This is a regression of two days from the CY 2009 average of 37 days. The combined venue average for the *Filing of Appeal to Mailing of Order* is **115 days**, a 22-day improvement from the CY 2009 rate.

TABLE OF CONTENTS

SECTION I - INVENTORY

Motion/Appeal Filings	
BWC New Claims Filed	2
IC New Motions Filed	2
Summary of Inventory	
Average Ending Inventory	3
Hearing Inventory	3
Medical Exam Inventory	4

SECTION II - HEARING ACTIVITY

Claims Heard	
Claims Heard by Region	6
Claims Heard by Hearing Level	6
Commission/Deputy Claims Heard	7
Hearings Held with Interpreters	7
Emergency Hearings	7
Claims Heard by Docket Type	8
Hearings by Employer Group	8
Claims Heard by Risk Type (DHO Allowance Only)	9
PTD Activity	
PTD Decisions by Region	9
Continuance Experience	
Continuances: Prior to -vs.- at Hearing	10
Continuances: Mutually Agreed -vs.- Not Mutually Agreed	10
Hearing Administrator Decisions	11

SECTION III - MEDICAL ACTIVITY

Specialist Exams/Reviews Performed by District	13
Exam Cancellation Rates	14
Exams/Reviews Performed by Specialist Type	14

SECTION IV - PERFORMANCE

District Hearing Officer Time Frames	16
Non-Compliant Claims	16
Staff Hearing Officer Time Frames	17
Commission Level Time Frames	17
Permanent Total Disability Time Frames	18
Refusal Order Time Frames	18
Hearing Spike Analysis	19
Statistical Overview	20



SECTION I INVENTORY

NEW FILINGS

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 filing, claim 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 144,172 new injury, occupational disease, and death claims during the 2010 calendar year (CY). Approximately 25,000 (17%) of these filings were for self-insured employers. The estimated breakdown of claims by risk type and claim type is as follows:

BWC New Claims Filed

CLAIM TYPE	DEATH	LOST TIME	MEDICAL ONLY	OCCUPATIONAL DISEASE	TOTAL CLAIMS FILED
SELF-INSURED (SI)	70	5,482	18,625	288	24,465
NON-SI	298	4,162	114,332	915	119,707
TOTAL	368	9,644	132,957	1,203	144,172

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 19,501 claims during calendar year 2010. The majority of these resulted in an allowance docket hearing.

IC New Motions and Appeals Filed

Approximately 149,785 new first level motions and appeals were filed during CY 2010 for 131,451 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 216,697 issues were captured at the first and second levels during CY 2010, reflecting a two percent decrease from CY 2009. DHO level issues account for 69% of this total. CY 2010 First level ICON filings, inclusive of .522/.52 filings and appeals to BWC orders, totaled 63,991 while Second Level and above filings, inclusive of appeals to DHO and SHO orders, totaled 66,401.

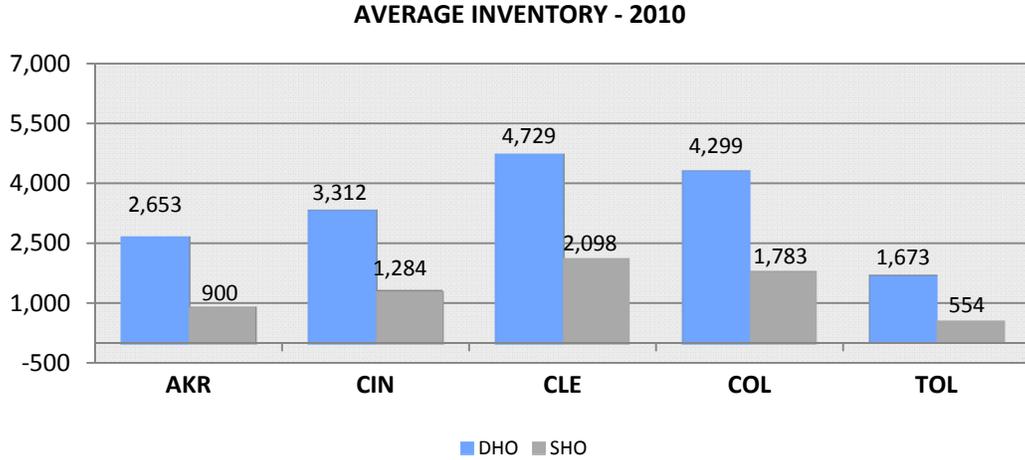
Commission level appeals and reconsiderations filed totaled 25,171 and 782, respectively for CY 2010.

The docket type distribution of DHO and SHO appeal and motion filings is as follows:

ISSUES CAPTURED - 2010	VOLUME PER DOCKET TYPE	PERCENT OF TOTAL
DHO ALLOWANCE	120,494	56%
DHO C-92	29,255	14%
SHO APPEAL	55,832	26%
SHO PTD	1,931	<1%
SHO RECON	6,594	3%
SHO VSSR	750	<1%
SHO MISC	1,841	<1%

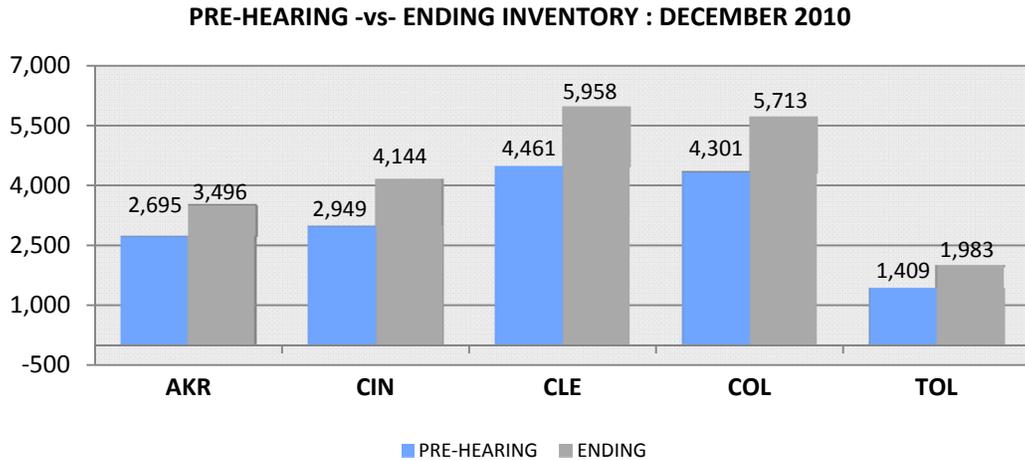
AVERAGE INVENTORY – 2010

Statewide average monthly DHO/SHO inventory was 23,283 claims for CY 2010. Regional breakdown of average inventories for CY 2010 is as follows: Cleveland – 29%; Columbus – 26%; Cincinnati – 20%; Akron – 15%; Toledo – 10%.



INVENTORY – 2010

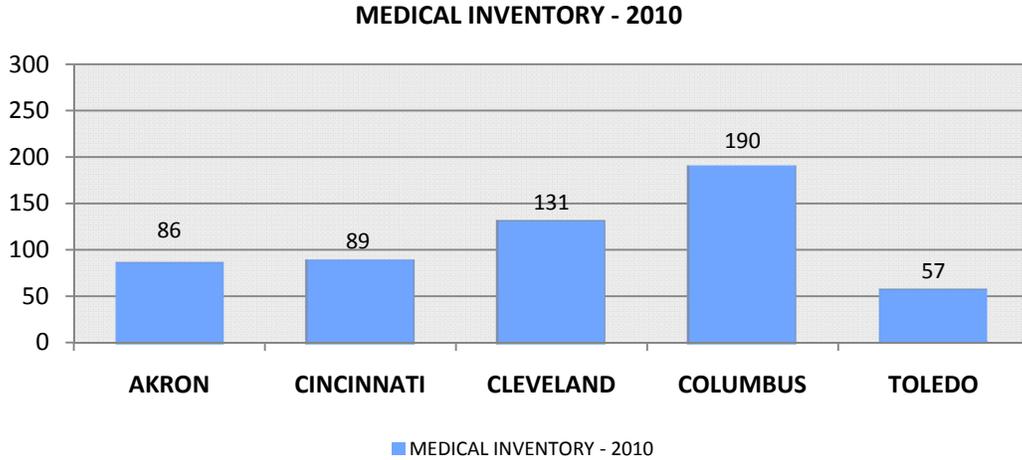
As of December 2010, the IC maintained a pre-hearing inventory of 15,815 claims at DHO and SHO levels. This accounts for 74 percent of total ending inventory. The remainder of the inventory constitutes post-hearing claims awaiting an order or under appeal status. Additional claims on hand outside of normal hearing processes are not included in the ending and average inventory figures. These un-posted volumes average approximately 942 claims at the end of any given month.



As of December 31, 2010, statewide inventory totaled 22,757 claims at all adjudicatory levels (including medical claims). Regional DHO/SHO inventory levels presented above are exclusive of medical inventory. The volumes of claims being processed for Commission venue hearings (910), in the Court Unit (6,346), and for Attorney Fees (50), are not counted in DHO and SHO inventory figures.

MEDICAL EXAM INVENTORY – 2010

The volume of claims within the IC medical section as of December 31, 2010, was 553, accounting for approximately two percent of total inventory.



The majority of these claims (99 percent) are being processed for PTD related specialist claims. The remaining claims have been referred for an exam or medical review of non-PTD related issues. Scheduling of all initial PTD medical exams is centralized and performed within the Columbus region.

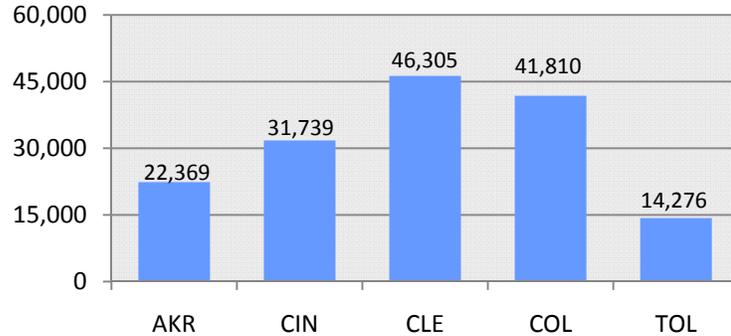


SECTION II HEARING ACTIVITY

CLAIMS HEARD

The Industrial Commission heard a total of 156,976 claims during CY 2010 at all adjudicatory levels. The total DHO volume accounts for 69 percent of overall hearings at 108,609 claims heard. Total SHO claims heard are recorded at 47,890 claims. Deputy venue claims heard totaled 118 in CY 2010 while the Commission venue recorded 359 claims heard.

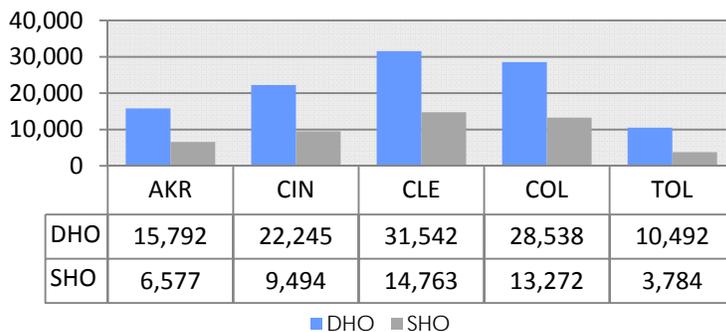
**CLAIMS HEARD BY REGION
2010**



Approximately 23,232 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 2010 CY formal hearing volumes reflect a seven percent decrease from 2009 totals, while the 23,232 total noted above is a 11 percent decrease over the volume of non-hearing issues captured in 2009 (26,063). Collectively, the aggregate volume of IC decisions decreased 7 percent over the past calendar year.

**DHO/SHO CLAIMS HEARD
2010**



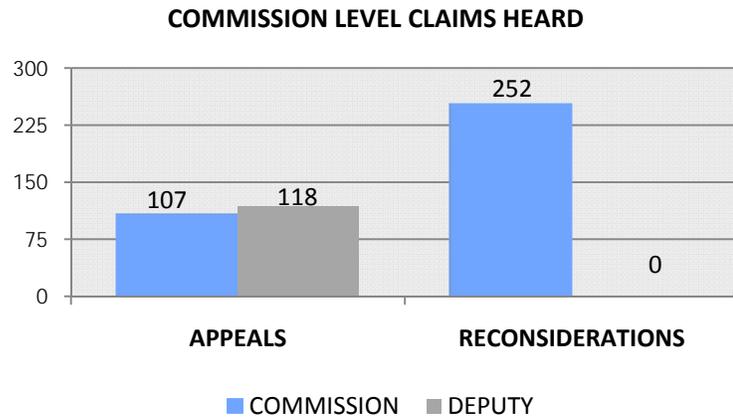
Regionally, the distribution of CY 2010 claims heard at DHO and SHO hearing levels is as follows:
 Cleveland – 30%; Columbus – 27%; Cincinnati – 20%; Akron – 14%; Toledo – 9%.

The total claims heard figure is inclusive of continuances, referrals, dismissals, and other final determinations made as a result of a hearing.

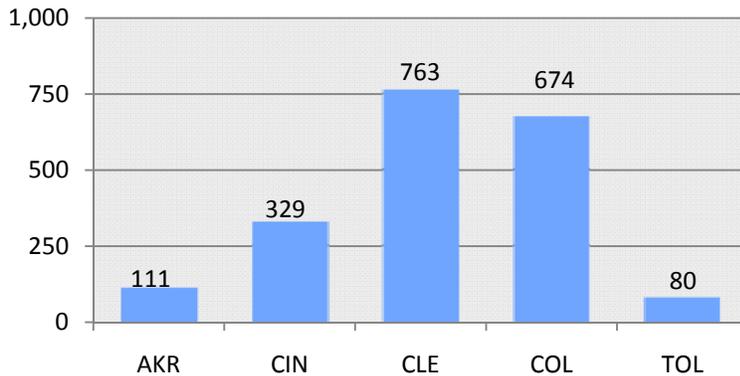
DHO and SHO hearings were conducted on 244 days during CY 2010. An average of 641 claims were heard per day at the DHO/SHO hearing levels. District Hearing Officers averaged 445 claims heard per day while Staff Hearing Officers averaged 196 claims heard per day.

CLAIMS HEARD

Commission level hearings were scheduled on 85 days during CY 2010. 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 methodical manner. Thus, the volume of claims heard per day at this level is indistinct.



HEARINGS HELD REQUIRING INTERPRETERS - 2010



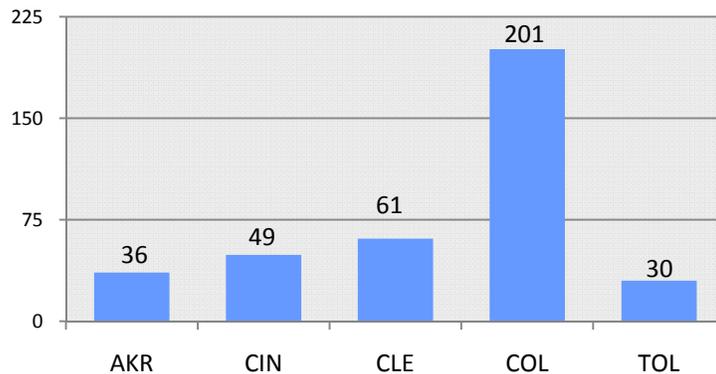
A total of 1,957 hearing records were flagged as requiring interpreter services during CY 2010 marking a five percent decrease from CY 2009.

Note: An interpreter may not have been present at each hearing.

A total of 377 emergency hearings were scheduled during CY 2010.

Emergency hearings are scheduled based on designated docket types per IC rule, circumstantial requests by the respective parties of a claim, or other justifiable reasons.

EMERGENCY HEARINGS SCHEDULED - 2010



CLAIMS HEARD

Claims Heard by Docket Type

	AKRON	CINCINNATI	CLEVELAND	COLUMBUS	TOLEDO	TOTAL
DHO Allowance	11,114	17,787	22,924	22,069	7,980	81,874
DHO C-92	4,678	4,458	8,618	6,469	2,512	26,735
SHO Appeal	5,013	8,125	11,905	10,317	3,119	38,479
SHO Reconsideration	1,173	750	2,005	1,833	349	6,110
SHO Miscellaneous	111	174	330	236	77	928
SHO VSSR	19	18	53	46	17	153
SHO PTD	261	427	470	840	222	2,220
Deputy	15	5	9	76	13	118
Commission	-	-	-	359	-	359
Total	22,384	31,744	46,314	42,245	14,289	156,976

DHO Allowance claims heard account for 52 percent of the statewide total, while DHO C-92 claims account for 17 percent. SHO dockets are accounted for as follows: Appeals – 25 percent; Reconsiderations – 4 percent; PTD – 1 percent; Miscellaneous – less than 1 percent; VSSR – less than 1 percent. Deputy and Commission venue hearings account for less than 1 percent of the statewide total.

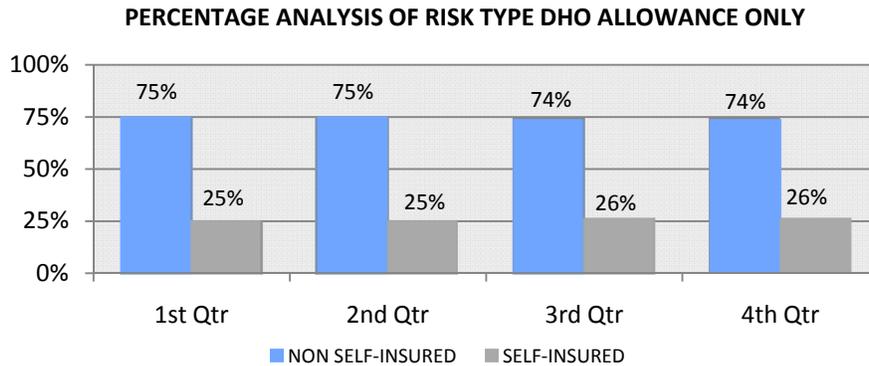
Hearings Held By Employer Group

EMPLOYER TYPE >>>	State Fund	Self-Insured	Pol. Sub (County)	State	Total
DOCKET TYPE					
DHO Allowance	47,727	20,665	9,923	3,578	81,893
DHO C-92	13,684	7,148	4,640	1,268	26,740
SHO Appeal	21,229	10,979	4,564	1,714	38,486
SHO Reconsideration	2,823	2,116	901	270	6,110
SHO Miscellaneous	590	230	81	27	928
SHO VSSR	124	23	0	0	147
SHO PTD	928	210	162	85	1,385
Deputy	47	59	6	3	115
Commission	171	100	25	16	312
Total	87,323	41,530	20,302	6,961	156,116

Hearings were conducted for approximately 27,132 different risks during CY 2010. Hearings for claims of private state funded employers accounted for 56 percent of all hearings while self-insuring employers accounted for 27 percent; public county employers accounted for 13 percent; and public state employers' claims accounted for 4 percent.

DHO RISK TYPE ANALYSIS

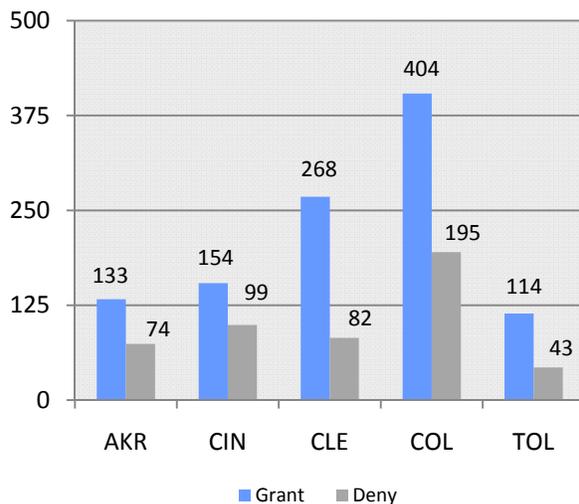
During CY 2010, 25 percent of all claims heard on DHO Allowance dockets were for self-insuring risks while 75 percent were for non-si risks. Statewide, quarterly ratios remained relatively steady throughout the year with slight variations by region.



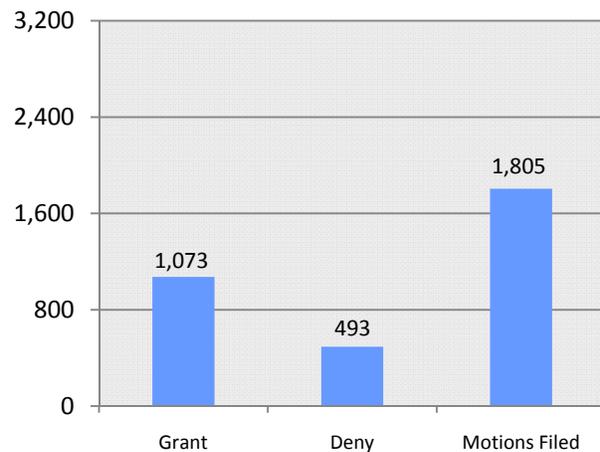
PTD DECISIONS

Of those PTD applications that were either granted or denied during CY 2010, 69% of the decisions rendered were PTD grants versus 31% PTD denials. Regionally, grant/deny ratios were as follows: Akron: 64% - 36%; Cincinnati: 61% - 39%; Cleveland: 77% - 23%; Columbus: 67% - 33%; Toledo: 73% - 27%. Given processing times for PTD applications, there is not always a direct correlation between motion filing 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.

PTD Decisions - 2010

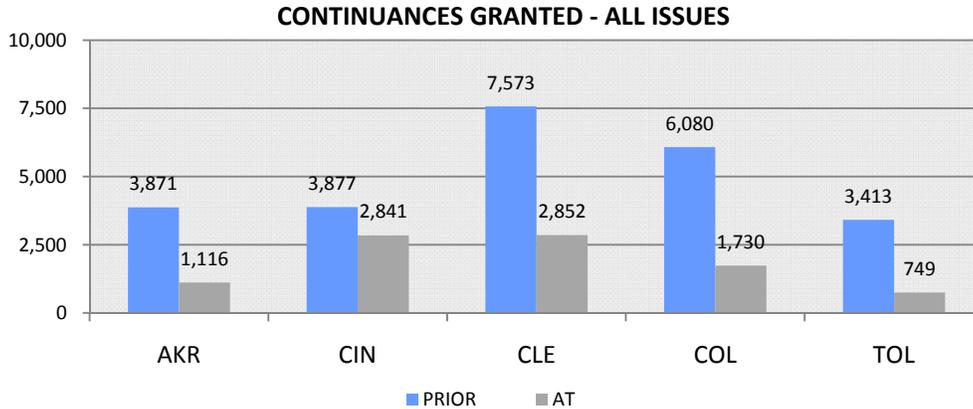


2010 Decisions Of PTD Filings by Number of Injured Workers

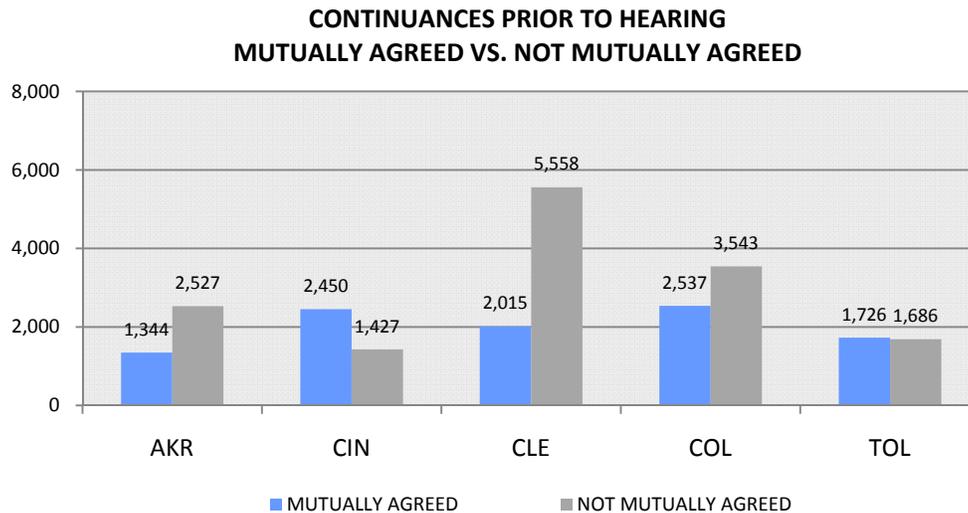


CONTINUANCES

Statewide, the average continuance rates prior to and at hearing (for all issues) each decreased by one point to 16 percent and 6 percent, respectively, from the calendar year 2009. Continuances granted prior to hearing for all issues totaled 24,814 during CY 2010 while continuances granted at hearing totaled 9,288. The Toledo region maintained the highest rate for continuances prior to hearing at 24 percent. The Cincinnati region maintained the highest rate for continuances at hearing registering 9 percent.



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.



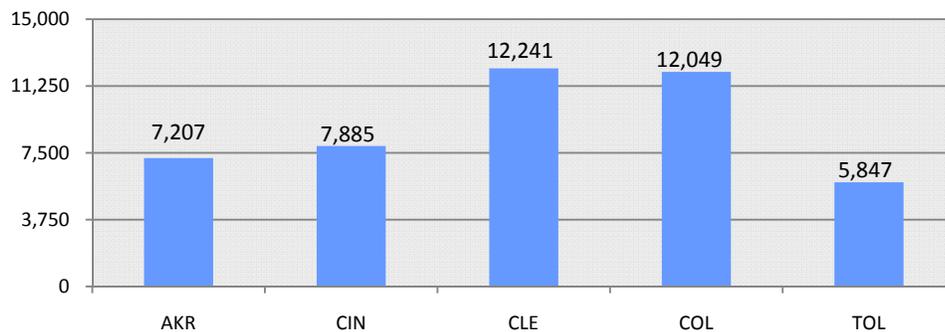
HEARING ADMINISTRATOR

Hearing Administrators perform a variety of functions that facilitate the adjudication process. In addition to processing approximately 28,366 continuance requests during CY 2010, they also processed 11,434 requests to withdraw motions or appeals and cancel scheduled hearings. Additionally, Hearing Administrators made decisions and performed activities in the below categories during CY 2010:

		AKRON	CINCINNATI	CLEVELAND	COLUMBUS	TOLEDO
	ISSUE PTD LETTERS	216	333	274	658	142
	PRE-HEARING CONFERENCES	6	31	92	81	10
SUBPOENA REQUESTS	GRANT	114	95	317	93	99
	DENY	32	15	19	57	8
INTERROGATORIES / DEPOSITIONS	GRANT	3	10	11	2	2
	HEARING	1	15	0	10	0
SUSPENSION REQUESTS	GRANT	209	278	194	194	130
	DENY	78	86	151	115	42
.522/.52 REQUESTS	GRANT	24	34	34	105	20
	SET FOR HEARING	84	96	253	124	56

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 45,229 issues during CY 2010. Regional volumes of Hearing Administrator activity are presented in the graph below. Regionally, Akron accounted for 16 percent of all Hearing Administrator activity during CY 2010; Cincinnati accounted for 17 percent; Cleveland accounted for 27 percent; Columbus accounted for 27 percent; and Toledo accounted for 13 percent.

HEARING ADMINISTRATOR ACTIVITY





SECTION III **MEDICAL ACTIVITY**

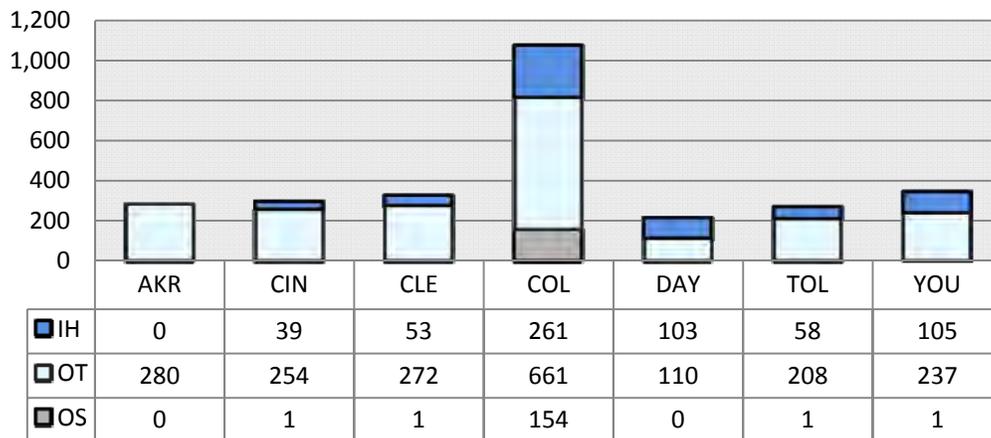
Ohio | Industrial Commission

MEDICAL SPECIALIST EXAMS

A total of 2,799 specialist exams and medical reviews were performed on behalf of the Industrial Commission during CY 2010. The majority of these exams (99%) are related to PTD filings.

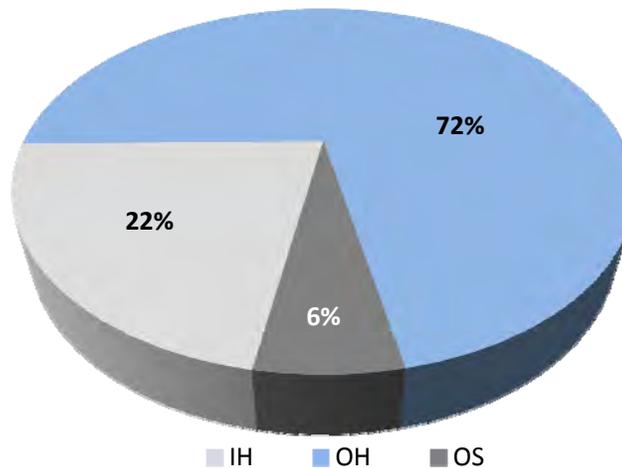
Scheduling of exams for Injured Workers residing out of state (**OS**) is performed through the Columbus office. The Akron region does not conduct in-house (**IH**) exams. Initiatives were implemented in CY 2009 to schedule more Out of House (**OT**) exams and distribute the exams more equitably amongst IC certified physicians. The Columbus office performed 38% of total exams with 1,076 exams attributed to the region. The Cleveland and Youngstown offices account for 12% each; Cincinnati accounts for 11%; Akron and Toledo each account for 10%; and Dayton accounts for 8%.

SPECIALIST EXAMS PERFORMED - 2010



Approximately 72 percent of all specialist exams and medical reviews were conducted outside of IC facilities during CY 2010.

2010 Exams



MEDICAL EXAMS/REVIEWS

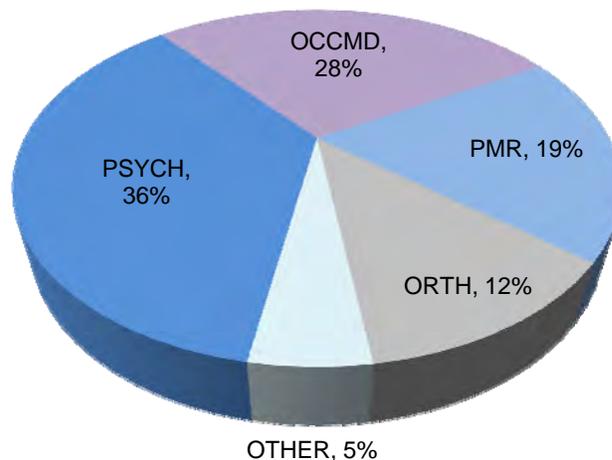
A total of 3,268 exams were scheduled during CY 2010. A total of 468 exams were rescheduled, canceled, or the injured worker did not show for the exam. The CY 2010 statewide exam cancellation rate (cancel, no show, reschedule) decreased by one percentage point from CY 2009, decreasing to 14%.

District	Exams Performed	Exams Scheduled	Cancellation Rate	Exams Canceled	Exams Rescheduled	No Shows
AKR	280	337	17%	13	34	10
CIN	294	325	10%	3	22	6
CLE	326	399	18%	19	41	13
COL	1,076	1,275	16%	49	110	40
DAY	213	239	11%	3	22	1
TOL	267	297	10%	7	17	6
YOU	343	395	13%	15	28	9
Statewide	2,799	3,267	14%	109	274	85

Medical Exams Performed by Specialty

For medical specialist exams performed during CY 2010, PSYCH specialists account for the largest portion at 36% (1,161 exams). This is followed by OCCMD specialists exams at 28%; PMR specialists exams at 19%; ORTH specialists exams at 12%; and OTHER specialist types at 5%.

Specialist Exams - 2010



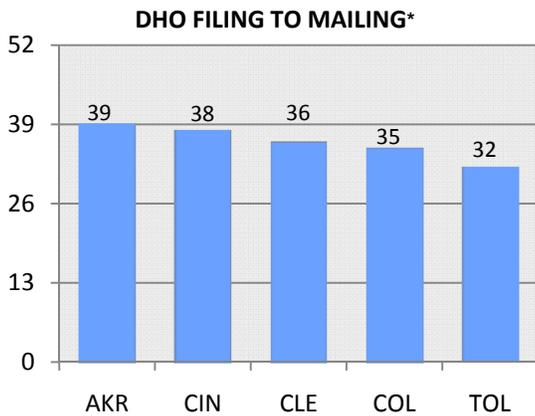


SECTION IV PERFORMANCE

DHO PERFORMANCE

DHO Performance

District hearing officers (DHO) heard a total of 81,874 allowance claims during CY 2010. Of those, 66,621 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).



* Benchmark = 52 days

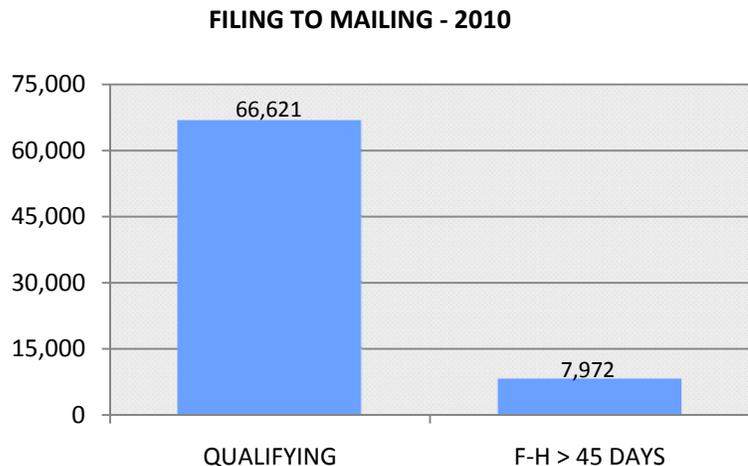
DHO ALLOWANCE MEDIAN DAYS						
2010	F-R	R-H*	F-H	H-M	R-M	F-M
1 ST QTR	1	33	35	2	36	38
2 ND QTR	1	27	29	2	29	31
3 RD QTR	1	29	33	2	32	35
4 TH QTR	1	34	36	2	37	39
AVG	1	31	33	2	34	36

* IC Benchmark = 38 days

Non-Compliant Claims

HB 413 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.

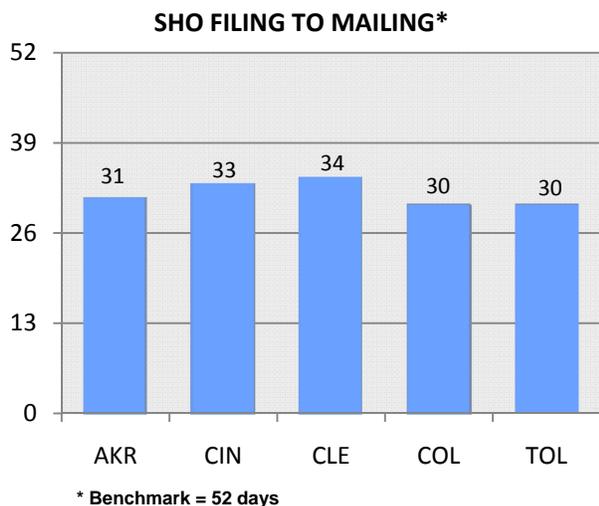
Of the qualifying 2010 Allowance claims heard, 7,972 claims, or 12.0%, were beyond the statutory 45-day *Filing Date to Hearing Date* time frame. For 2010 there were 5,257 Allowance claims heard, or 7.9%, that were beyond the 38-day *Receipt Date to Hearing Date* benchmark reflecting IC performance. This reflects a 28% increase in the volume of non-compliant claims with a regression of approximately three percentage points in the rate of non-compliance compared to 2009 performance.



SHO AND COMMISSION PERFORMANCE

SHO Performance

Staff hearing officers heard a total of 38,479 appeal claims during CY 2010. Of those, 32,428 qualified for inclusion in time studies. On average, all IC offices performed within the statutory and benchmark limits.



SHO APPEAL MEDIAN DAYS			
2010	F-H	H-M	F-M
1 ST QTR	30	2	33
2 ND QTR	26	2	29
3 RD QTR	27	2	30
4 TH QTR	30	3	34
AVG	28	2	32

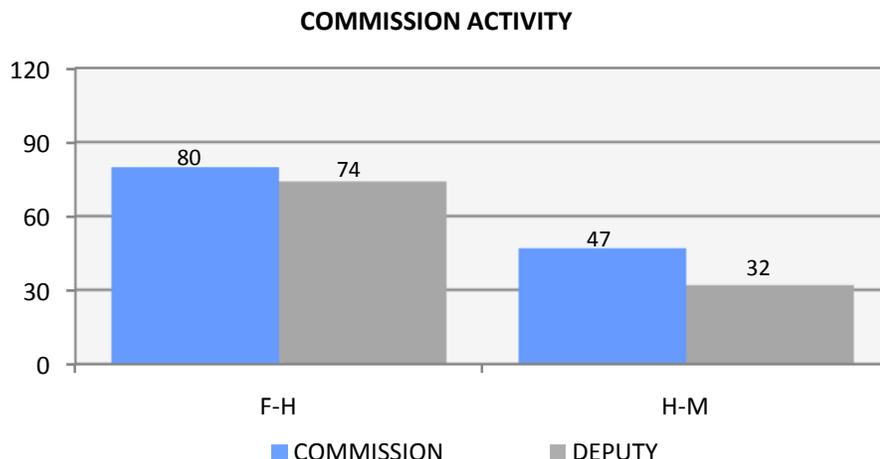
* F-H statute = 45 days
* H-M statute = 7 days

Commission Performance

For hearings conducted during CY 2010, the combined venue average for the period **Filing of Appeal to Hearing Date (F-H)** is 77 days. This is a 23-day improvement from the CY 2009 average of 100 days.

The combined venue average for the period **Hearing to Mailing Date (H-M)** is 39 days. This is a regression of two days from the CY 2009 average of 37 days.

The combined venue average for the **Filing of Appeal to Mailing of Order** time frame is 115 days, a 22-day improvement from the CY 2009 rate.



PTD AND SHO REFUSAL ORDER PERFORMANCE

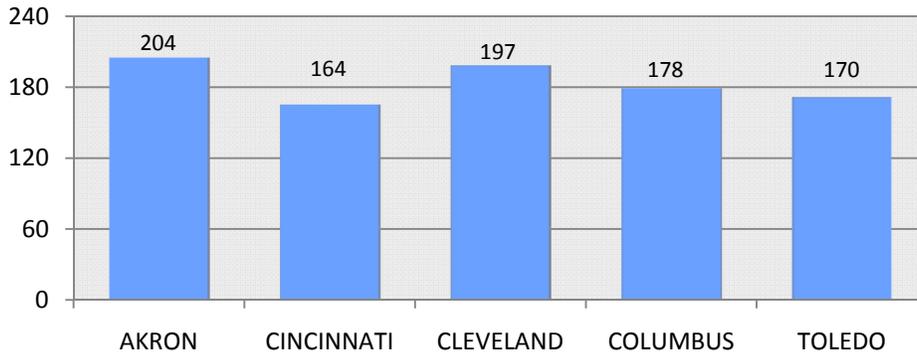
PTD Performance

A total of 2,220 PTD claims were heard during CY 2010. A total of 2,041 qualified for inclusion in the time studies (92%). Only those claims in which a decision is final in nature are calculated. Decisions involving a continuance or referral are not used in the calculation of the performance estimate.

During CY 2010, PTD applications were adjudicated within approximately 180 days of the application filing date. This reflects a three-day regression from CY 2009 performance.

PTD hearings are typically taken under advisement with a final order published at a later date. Statewide, final orders were published within five (5) days of the hearing during CY 2010.

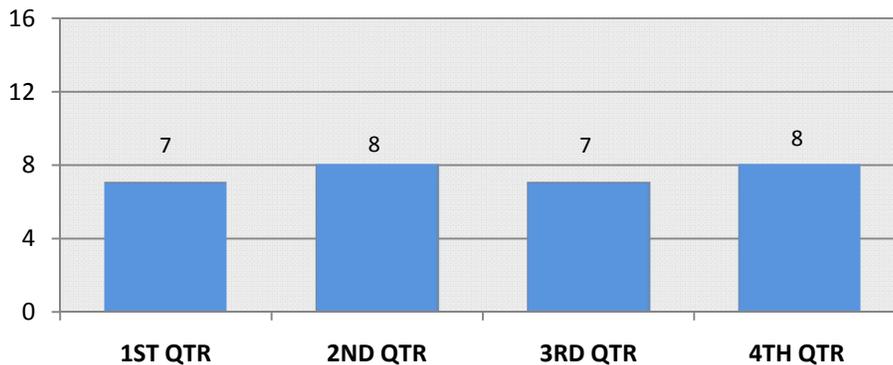
FILING TO MAILING



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 expiration period in which an appeal may be filed to an SHO order.

SHO Appeal Order Expiration Date to Refusal Order Date



HEARING SPIKE ANALYSIS

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 2010.

The diagram shown below presents three key elements:

BASELINE MARKER

(green line) –

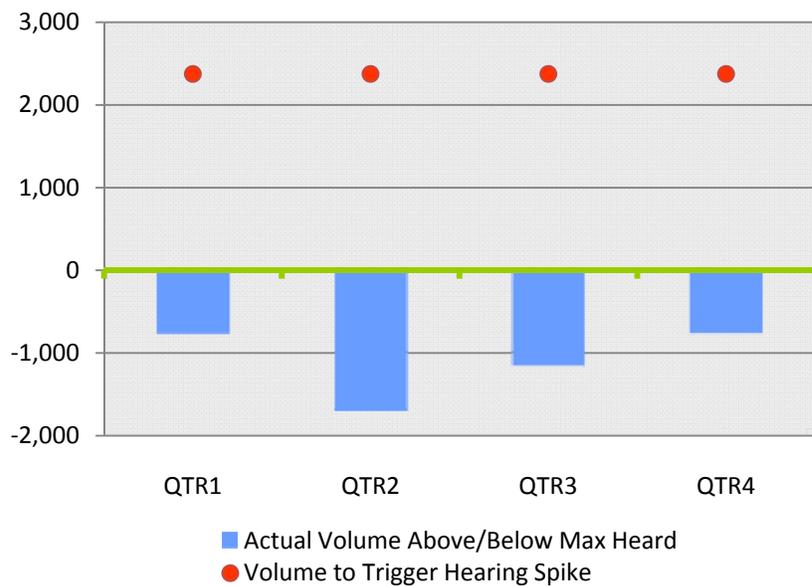
This floor represents the maximum heard total (per the statute) at the end of each respective quarter

SPIKE 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

HEARING SPIKE QUARTERLY ANALYSIS - 2010



INVENTORY 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 2010 was 15,051 claims. This is 773 claims (5 percent) below the maximum heard total and 3,147 claims below the volume that would result in a hearing spike.

STATISTICAL OVERVIEW

INVENTORY

	2009	2010
BWC New Claims Filed	144,272	144,172
IC Motions/Appeals Filed (first level only)	159,362	149,785

HEARING ACTIVITY

Claims Heard	168,648	156,976
DHO Venue	116,475	108,609
SHO Venue	51,789	47,890
COM Venue	384	477
Claims Heard Per Day (DHO & SHO)	684	644
DHO Heard Per Day	473	445
SHO Heard Per Day	211	196
Continuances: Prior to Hearing	28,811	24,814
Continuances: At Hearing	11,050	9,288

MEDICAL ACTIVITY

Specialist Examinations Performed	3,236	2,799
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PERFORMANCE

DHO Allowance Timeframes (F-M)	33 days	36 days
Non-Compliant DHO Claims	6,211	7,972
SHO Appeal Timeframes (F-M)	30 days	32 days
Refusal Orders	10 days	8 days
Commission Appeal Timeframes (F-M)	137 days	115 days

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