



Ohio | Industrial Commission

FACT SHEET: THE HEARING PROCESS

Contact Us
(800) 521.2691; Toll-free nationwide
(800) 686.1589; Toll-free TDD
Email: askIC@ic.state.oh.us
Web: www.ohioic.com

Where the Process Begins

The Ohio Bureau of Workers' Compensation (BWC) administers the collection of premiums from employers and the payment of compensation and medical benefits to injured workers who have been determined to have compensable claims. Some large employers may qualify with the state to be self-insured for workers' compensation and administer their own programs. Self-insured employers bypass the BWC but are still obligated to the Industrial Commission (IC) hearing process.

About the Commission

The State of Ohio charges the IC with the responsibility of resolving disputes over the payment of compensation and medical benefits in claims filed for work-related injuries and occupational diseases. The IC conducts hearings at its offices throughout Ohio for the convenience of injured workers and employers and makes decisions in all contested workers' compensation claims.

Hearings Before the Commission

Hearings before the IC are informal in nature and legal representation is not required. However, parties may choose to be represented by an attorney or other authorized person.

The Commission encourages the free exchange of information prior to the hearing, in accordance with Rule 4121-3-09(A)(1)(a) which states, "The parties or their representatives shall provide to each other, as soon as available and prior to hearing, a copy of the evidence which the parties intend to submit at a Commission proceeding."

The Appeals Process

There are three levels at which a contested claim may be heard within the Industrial Commission.

District Level - If a workers' compensation claim is contested, it is set for a hearing before a district hearing officer (DHO). A hearing will be held at the Commission office nearest the injured worker's residence. If either party is dissatisfied with the decision of the DHO, an appeal must be made in writing or online and filed within 14 days of receipt of that decision. The Notice of Appeal should be filed in the Commission office where the hearing took place or by using the IC's Web site.

Staff Level - Appeals from the DHO's decision will result in a second hearing before a staff hearing officer (SHO). The law guarantees injured workers and employers the right to appeal a DHO's decision to the SHO level.

Commission Level - If an injured worker or employer is dissatisfied with the decision of an SHO, they may file an appeal to the Commission level. The appeal must be made in writing or online and filed within 14 days of receipt of the decision. The Notice of Appeal should be filed in the office where the hearing took place or by using the IC's Web site. The three Commissioners may refuse to hear the appeal or accept it for a hearing.

Beyond the Commission - If the injured worker or employer is not satisfied with the decision of the IC Commissioners (or if Commissioners refuse to hear the appeal), they may file a challenge to the IC decision in the appropriate state court.

NOTE: Injured workers, employers, and their authorized representatives may review their active claims information through the Industrial Commission Web site at www.ohioic.com. Once on the home page of the Web site, please click I.C.O.N. and follow the instructions for obtaining a password. Once you have obtained a password, you should be able to access your active claim(s). If you have difficulty obtaining a password, please contact the Industrial Commission's IT Helpdesk at (614) 644.6595 or (877) 218.4810, between 8 a.m. and 5 p.m. weekdays.

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 the Hearing Process

Does every claim require a hearing?

No. Hearings are held only if there is a dispute between the injured worker, employer, or BWC.

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 and the issue(s) in dispute.

Should the injured worker and employer attend a hearing?

Attendance is not mandatory, but it is recommended that all parties be present to give their side of the disputed issue(s).

How should the parties prepare for a hearing?

Gather and prepare any documents pertinent to the issue set for hearing like current medical reports, written witness statements, etc. These documents should be submitted prior to or at the

hearing (bring original and two date-stamped copies). You should also keep a copy of any paperwork filed with the IC or BWC for your records. After the hearing, an order announcing the decision will be mailed to all parties.

Is legal representation required?

Hearings before the IC are informal in nature and legal representation is not required. However, parties may choose to be represented by an attorney or other authorized person.

How is an appeal filed?

An employer or injured worker may file an appeal from an order of the BWC, or a district or staff hearing officer of the IC. Form IC-12, located at local offices or on the IC's Web site, should be used for this purpose. Notices of Appeal should be filed in the office where the hearing took place, or through I.C.O.N., on the IC's Web site.