

NOTICE OF PUBLIC HEARING

The Ohio Bureau of Workers' Compensation will hold a public hearing on Friday, August 14, 2015, at 10:00 a.m., in Room 1, Level 2, 30 West Spring Street, Columbus, Ohio 43215, to consider the following:

Amend the following rule:

4123-3-37 Lump sum advancements.

The proposed changes to the rule clarify BWC's policies for lump sum advancements for an injured worker and add specific rules for lump sum advancements for a surviving spouse.

For an injured worker, the rule adds that a lump sum advancement may also be paid from a permanent partial percentage award under R.C. 4123.57(A).

For a surviving spouse, the rule clarifies that BWC will not award a lump sum advancement from the decedent's permanent total, permanent partial percentage, or loss of use awards that may accrue to the surviving spouse.

For all applicants, the rule states that BWC will not consider a lump sum advancement application where the allowance of the award is on appeal.

The rule clarifies the proof needed to establish entitlement to a lump sum advancement award. Repeating the language from the statute, the injured worker or surviving spouse shall provide proof that the lump sum advancement is advisable for the purpose of providing financial relief or for furthering the injured worker's rehabilitation, and BWC may dismiss an application that fails to provide such evidence.

The rule clarifies that in computing the amount of a lump sum advancement, BWC will account for the future value of the award. That is, BWC will reduce awards to the net present value. In determining the net present value of a lump sum advancement, BWC will use the discount factor as periodically established by BWC and the Board.

The rule retains the current provision that no lump sum advancement shall reduce the injured worker's compensation rate by more than 1/3 of the biweekly rate, but adds an exception for an advancement for permanent partial percentage or loss of use awards. The rule also excludes lump sum advancements for attorney fees from the 1/3 standard.

The rule clarifies that BWC may approve no more than two concurrent lump sum advancements in a claim in addition to an advancement for attorney fees.

The full and complete text of the proposed rules is available at the Register of Ohio (<http://www.registerofohio.state.oh.us>) and is on file in the office of the Secretary of State (180 East Broad Street, 15th Floor, Columbus, Ohio), the Legislative Service Commission (77 South High Street, 9th Floor, Columbus, Ohio), the office of the Joint Committee on Agency Rule Review (77 South High Street, Concourse Level, Columbus, Ohio), the Bureau of Workers' Compensation, Legal Operations (30 West Spring Street, 26th Floor, Columbus, Ohio), the Bureau of Workers' Compensation (30 West Spring Street, Columbus, Ohio, 1st Floor, Hearing Rooms), and all service offices of the Bureau. All interested parties will be given an opportunity to be heard. Any interested party unable to attend the public hearing may submit written comments to the undersigned prior to the public hearing at notification@bwc.state.oh.us.

THE OHIO BUREAU OF WORKERS' COMPENSATION

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