

OHIO COURT OF APPEALS, TENTH APPELLATE DISTRICT

State ex rel. Tanyhill v. Indus. Comm.

2026-Ohio-1823 · No. 25AP-187 · Decided May 19, 2026

SUMMARY

The Ohio Tenth District Court of Appeals denied Andre C. Tanyhill’s petition for a writ of mandamus seeking scheduled-loss compensation for partial loss of uncorrected vision under R.C. 4123.57(B). The court held that the Industrial Commission properly declined to rely on the submitted medical opinion and that Tanyhill had not established medical evidence demonstrating entitlement to the claimed benefits. The court overruled Tanyhill’s objections and adopted the magistrate’s decision.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                           |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Ohio Court of Appeals, Tenth Appellate District                                                                                                                                                                                                                                                                                           |
| WRITING FOR THE COURT | Beatty Blunt, J.; Mentel, J.; Edelstein, J.                                                                                                                                                                                                                                                                                               |
| JURISDICTION          | Ohio Court of Appeals, Tenth Appellate District                                                                                                                                                                                                                                                                                           |
| DECIDED               | May 19, 2026                                                                                                                                                                                                                                                                                                                              |
| DOCKET                | 25AP-187                                                                                                                                                                                                                                                                                                                                  |
| DISPOSITION           | writ_denied                                                                                                                                                                                                                                                                                                                               |
| PROCEDURAL POSTURE    | Original mandamus action challenging the Industrial Commission of Ohio's denial of scheduled-loss compensation for partial loss of uncorrected vision; the court reviewed objections to a magistrate's decision recommending denial of the writ.                                                                                          |
| STANDARD OF REVIEW    | In mandamus review of Industrial Commission decisions, legal questions are reviewed for whether the commission incorrectly interpreted Ohio law, while factual determinations are reviewed under the some-evidence abuse-of-discretion standard. The commission must identify the evidence relied upon and briefly explain its reasoning. |
| PRECEDENTIAL VALUE    | published                                                                                                                                                                                                                                                                                                                                 |
| PARTIES               | Andre C. Tanyhill, relator v. Industrial Commission of Ohio and Central Ohio Behavioral Healthcare, respondents                                                                                                                                                                                                                           |

TOPICS

writ of certiorari

administrative law

judicial review of agency action

standard of review

statutory interpretation

## PRACTICE AREAS

workers' compensation

administrative law

mandamus

## QUESTIONS PRESENTED

1. Whether the Industrial Commission abused its discretion by rejecting Dr. Armstrong-Murphy's medical opinion regarding Tanyhill's loss of uncorrected vision.
2. Whether Dr. Mattson's report constituted some evidence supporting the Industrial Commission's denial of scheduled-loss compensation.
3. Whether Tanyhill demonstrated a clear legal right to scheduled-loss benefits and a clear legal duty requiring the Industrial Commission to award them under R.C. 4123.57(B).

## HOLDINGS

1. The Industrial Commission did not abuse its discretion by rejecting Dr. Armstrong-Murphy's report because the report acknowledged that critical pre-injury and post-injury uncorrected visual-acuity information was unavailable, provided an estimate rather than a supported determination, and indicated that an additional opinion could be issued if further evidence became available.
2. A claimant seeking scheduled-loss compensation for partial loss of sight under R.C. 4123.57(B) bears the burden of affirmatively submitting medical evidence establishing the percentage of vision actually lost as a result of the injury; the degree of impairment must be determined by physicians, not the Industrial Commission.
3. Tanyhill was not entitled to a writ of mandamus because he failed to establish a clear legal right to scheduled-loss benefits or a clear legal duty on the part of the Industrial Commission to award them.

## KEY QUOTATIONS

*"The ICO does not abuse its discretion to determine factual matters if there is some evidence in the record upon which it could have based its determination."* (§ 8)

*"[T]o establish a claim for a scheduled-loss award for partial loss of sight under R.C. 4123.57(B), a claimant is 'required to submit medical evidence showing the degree of [the] visual impairment.'" (§ 10)*

*"Moreover, even if Dr. Mattson's opinion is excluded in its entirety, Tanyhill has failed to point to any other evidence establishing his entitlement to additional claimed scheduled-loss benefits under R.C. 4123.57 for partial loss of uncorrected vision."* (§ 12)

## FACTUAL BACKGROUND

Tanyhill, a corrections officer, was attacked by a patient at work and sustained multiple head and left-eye injuries, including retinal tears and a retinal hole. The Bureau of Workers' Compensation awarded scheduled-loss

compensation based on a physician's estimated 25 percent loss of left-eye vision, but the Industrial Commission later rejected that medical opinion and relied on another opinion finding no uncorrected vision loss. The appellate court concluded that Tanyhill had not submitted competent medical evidence establishing the percentage of uncorrected vision lost as a result of the work injury.

## PROCEDURAL HISTORY

The Bureau of Workers' Compensation initially awarded Tanyhill scheduled-loss compensation based on a 25 percent loss of vision in his left eye. After the employer appealed, an Industrial Commission district hearing officer affirmed, but a staff hearing officer vacated the award and denied compensation, and the commission refused further appeal. Tanyhill filed a mandamus action in the Tenth District, whose magistrate recommended denial of the writ. The appellate court overruled Tanyhill's objections, adopted the magistrate's decision, and denied the writ.

## DISPOSITION

writ\_denied

## CASES CITED

- State ex rel. Russell v. Klatt, 2020-Ohio-875, ¶ 7
- State ex rel. Pressley v. Indus. Comm., 11 Ohio St.2d 141 (1967)
- State ex rel. Cassens Corp. v. Indus. Comm., 2024-Ohio-526, ¶ 10
- State ex rel. Gassmann v. Indus. Comm., 41 Ohio St.2d 64, 65 (1975)
- State ex rel. Teece v. Indus. Comm., 68 Ohio St.2d 165, 167 (1981)
- State ex rel. Johnson v. Indus. Comm., 11 Ohio App.3d 22, 23 (10th Dist. 1983)
- State ex rel. Noll v. Indus. Comm., 57 Ohio St.3d 203 (1991)
- State ex rel. Yellow Freight Sys. v. Indus. Comm., 1994-Ohio-173, 71 Ohio St.3d 139, 142
- State ex rel. Coleman v. Indus. Comm., 2013-Ohio-2406, ¶ 16
- State ex rel. Riter v. Indus. Comm., 2001-Ohio-290, ¶ 12
- State ex rel. Beyer v. Autoneum N. Am., 2019-Ohio-3714
- State ex rel. AutoZone, Inc. v. Indus. Comm., 2008-Ohio-541
- State ex rel. Cogan v. Indus. Comm., 2023-Ohio-3567, ¶ 15
- State ex rel. Bowman v. Indus. Comm., 2022-Ohio-233
- State ex rel. Stephenson v. Indus. Comm., 31 Ohio St.3d 167, 171 (1987)
- State ex rel. Walters v. Indus. Comm., 2024-Ohio-552
- State ex rel. Koepf v. Indus. Comm., 2019-Ohio-3789, ¶ 6
- State ex rel. Kidd v. Indus. Comm., 2023-Ohio-2975, ¶ 17
- State ex rel. Ritzie v. Reece-Campbell, Inc., 2015-Ohio-5224, ¶ 13
- State ex rel. Cleveland Metro. School Dist. v. Indus. Comm., 2022-Ohio-2150, ¶ 6
- State ex rel. Digiacinto v. Indus. Comm., 2020-Ohio-707, ¶ 13

- State ex rel. Wombold v. Indus. Comm., 2009-Ohio-5578, ¶ 5
- State ex rel. Smith v. Indus. Comm., 2014-Ohio-513, ¶ 18
- State ex rel. Sagraves v. Indus. Comm., 2012-Ohio-1010, ¶ 9
- Rua v. California Corr. Health Care Servs., 2020 U.S. Dist. LEXIS 77309, \*4 n.4 (C.D. Cal. Mar. 27, 2020)
- Barnhart v. Comm'r of Social Sec., 2020 U.S. Dist. LEXIS 261742, \*22 n.3 (N.D. Ohio Oct. 28, 2020)
- Sanders v. Colvin, 2015 U.S. Dist. LEXIS 20835, \*19 (E.D.N.C. Feb. 2, 2015)

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