

SUPREME COURT OF OHIO

State ex rel. Ford Motor Co. v. Industrial Commission

98 Ohio St. 3d 20 (2002) · Decided December 20, 2002

SUMMARY

The Ohio Supreme Court held that a workers' compensation claimant's minimal activities in maintaining his own landscaping business did not constitute work barring temporary total disability compensation. The activities, including signing employee paychecks and fueling and moving equipment, were only indirectly related to generating income and did not themselves produce income. The court affirmed the denial of Ford Motor Company's request to declare the compensation overpaid.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Moyer, C.J.; Douglas, J.; Resnick, J.; F.E. Sweeney, J.; Pfeifer, J.; Cook, J.; Lundberg Stratton, J.
JURISDICTION	Ohio
DECIDED	December 20, 2002
DISPOSITION	affirmed
PROCEDURAL POSTURE	Ford Motor Company sought mandamus relief requiring the Industrial Commission to vacate its determination that Christopher D. Posey was entitled to temporary total disability compensation. After the court of appeals declined to order the commission to vacate its order, Ford appealed to the Supreme Court of Ohio as a matter of right.
PRECEDENTIAL VALUE	Published, precedential opinion of the Supreme Court of Ohio.
PARTIES	Ford Motor Company v. Industrial Commission of Ohio, Christopher D. Posey

TOPICS

workers compensation administrative law judicial review of agency action employment law

PRACTICE AREAS

workers compensation administrative law employment law

QUESTIONS PRESENTED

1. Whether Posey's limited administrative and business-preservation activities for his lawn-care business constituted work that prohibited receipt of temporary total disability compensation.
2. Whether the Industrial Commission abused its discretion by refusing to declare Posey's temporary total disability compensation overpaid.

HOLDINGS

1. A claimant's minimal activities in a self-owned business do not constitute work barring temporary total disability compensation when the activities do not themselves generate income and are only indirectly related to income generation, provided the activities are genuinely minimal and not medically inconsistent with the claimant's alleged inability to return to the former position.

KEY QUOTATIONS

“Activities that are not medically inconsistent, however, bar TTC only when a claimant is remunerated for them.” (98 Ohio St. 3d at 23)

“In this case, however, claimant’s activities were truly minimal and only indirectly related to generating income.” (98 Ohio St. 3d at 24)

FACTUAL BACKGROUND

Christopher D. Posey simultaneously worked for Ford Motor Company and operated a lawn-care business. After injuring his neck while working for Ford, he stopped performing physical lawn-care work, hired additional employees, and received temporary total disability compensation. During the compensation period, his activities were limited to tasks such as signing employee paychecks, issuing wages, fueling equipment, and moving a mower; surveillance did not show him performing landscaping work. The Industrial Commission found that these activities were minimal, did not constitute work, and were not medically inconsistent with his disability.

PROCEDURAL HISTORY

Posey received temporary total disability compensation after a neck injury sustained while working for Ford. Ford alleged that Posey's limited activities in his lawn-care business constituted work and rendered the compensation improper. The Industrial Commission rejected Ford's overpayment request, and the court of appeals declined to compel the commission to vacate that decision. The Supreme Court of Ohio affirmed.

DISPOSITION

affirmed

CASES CITED

- State ex rel. Nye v. Industrial Commission, 22 Ohio St. 3d 75, 22 OBR 91, 488 N.E.2d 867 (1986)
- State ex rel. Durant v. Superior's Brand Meats, Inc., 69 Ohio St. 3d 284, 631 N.E.2d 627 (1994)
- State ex rel. Ramirez v. Industrial Commission, 69 Ohio St. 2d 630, 23 O.O. 3d 518, 433 N.E.2d 586 (1982)

- State ex rel. Parma Community General Hospital v. Jankowski, 95 Ohio St. 3d 340, 2002-Ohio-2336, 767 N.E.2d 1143
- State ex rel. Blabac v. Industrial Commission, 87 Ohio St. 3d 113, 717 N.E.2d 336 (1999)
- State ex rel. Johnson v. Rawac Plating Co., 61 Ohio St. 3d 599, 575 N.E.2d 837 (1991)

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