

SUPREME COURT OF OHIO

State ex rel. Village of Oakwood v. Industrial Commission of Ohio

132 Ohio St. 3d 406, 2012-Ohio-3209 (2012) · No. 2011-0060 · Decided July 18, 2012

SUMMARY

The Ohio Supreme Court held that, when more than one entity may have an employment relationship with an injured worker, the Industrial Commission may—but need not—apply the Lord/Fisher factors. The court deferred to the Commission’s determination that the Village of Oakwood, rather than Kokosing Construction Company, was the responsible employer for the police officer’s workers’ compensation claim.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	O'Connor, C.J.; Pfeifer, J.; Lundberg Stratton, J.; O'Donnell, J.; Lanzinger, J.; Cupp, J.; McGee Brown, J.
JURISDICTION	Ohio
DECIDED	July 18, 2012
DOCKET	2011-0060
DISPOSITION	affirmed
PROCEDURAL POSTURE	Oakwood appealed as of right from the Franklin County Court of Appeals' denial of its complaint for a writ of mandamus challenging the Industrial Commission's determination that Kokosing, rather than Oakwood, was the proper employer for workers' compensation purposes.
STANDARD OF REVIEW	Whether the Industrial Commission abused its discretion; the court deferred to the commission's factual determinations and expertise when supported by evidence in the record.
PRECEDENTIAL VALUE	Published Ohio Supreme Court opinion; binding precedent in Ohio.
PARTIES	The State ex rel. Village of Oakwood v. Industrial Commission of Ohio, Kokosing Construction Co., Inc.

TOPICS

workers compensation

administrative law

judicial review of agency action

municipal law

PRACTICE AREAS

workers compensation

administrative law

municipal law

QUESTIONS PRESENTED

1. Whether the Industrial Commission abused its discretion by determining that Oakwood was the amenable employer without expressly applying the three Lord/Fisher factors.
2. Whether, when two entities may have an employment relationship with an injured worker, the Industrial Commission is required to apply the Lord/Fisher factors to determine the responsible employer.

HOLDINGS

1. When confronted with two potential employers, the Industrial Commission may, but is not required to, use any of the Lord/Fisher factors that it believes will assist its analysis; it may consider other relevant factors as necessary.
2. The Industrial Commission did not abuse its discretion by finding Oakwood to be the amenable employer.

KEY QUOTATIONS

“when confronted with two potential employers—may, but is not required to, use any of the Lord/Fisher factors that it believes will assist analysis.” (§ 13)

“If different considerations are necessary, however, the commission must have the discretion to use them.” (§ 13)

FACTUAL BACKGROUND

Craig Ali was an Oakwood police officer assigned to perform traffic-control duties at a highway-construction project overseen by Kokosing Construction. He wore his Oakwood police uniform and used an Oakwood police cruiser leased to Kokosing, while Kokosing paid him for the services. Ali was injured when the cruiser was struck by another vehicle, creating a dispute over whether Oakwood or Kokosing was his employer for workers' compensation purposes.

PROCEDURAL HISTORY

The Bureau of Workers' Compensation initially allowed Craig Ali's claim against Oakwood but later named Kokosing as the proper employer. An Industrial Commission staff hearing officer ultimately determined that Oakwood was the amenable employer. After the commission refused further administrative appeal, Oakwood sought mandamus in the Franklin County Court of Appeals, which denied the writ. The Supreme Court of Ohio affirmed.

DISPOSITION

affirmed

CASES CITED

- Lord v. Daugherty, 66 Ohio St. 2d 441, 423 N.E.2d 96 (1981)
- Fisher v. Mayfield, 49 Ohio St. 3d 275, 551 N.E.2d 1271 (1990)
- Cooper v. Dayton, 120 Ohio App. 3d 34, 696 N.E.2d 640 (1997)
- State ex rel. FedEx Ground Package Sys., Inc. v. Indus. Comm., 126 Ohio St. 3d 37, 2010-Ohio-2451, 930 N.E.2d 295, ¶ 27

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