

SUPREME COURT OF OHIO

State ex rel. City of Middleburg Heights v. Industrial Commission

92 Ohio St. 3d 476 (Ohio 2001) · Decided August 15, 2001

SUMMARY

The Ohio Supreme Court reviewed a mandamus action concerning an injured police officer's entitlement to workers' compensation wage-loss benefits. The court held that the Industrial Commission properly evaluated wage loss on a week-by-week basis and apportioned employment bonuses to the periods in which they were earned. The court also found a sufficient causal connection between the industrial injury and the claimant's wage loss and affirmed the court of appeals' judgment.

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	August 15, 2001
DISPOSITION	affirmed
PROCEDURAL POSTURE	The City of Middleburg Heights sought a writ of mandamus challenging the Industrial Commission's award of wage-loss workers' compensation benefits. After the Franklin County Court of Appeals denied the writ, the city appealed to the Supreme Court of Ohio as of right.
STANDARD OF REVIEW	Whether the Industrial Commission abused its discretion in determining entitlement to and calculating wage-loss compensation; mandamus relief is warranted only upon an abuse of discretion.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Ohio
PARTIES	City of Middleburg Heights v. Industrial Commission of Ohio, Michael L. Schaefer

TOPICS

[workers compensation](#)[judicial review of agency action](#)[administrative law](#)[municipal law](#)[remedies](#)

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the Industrial Commission properly calculated actual wage loss by allocating Schaefer's bonuses to the weeks or periods in which the bonuses were earned rather than aggregating earnings over the entire compensation period.
2. Whether the Commission's use of a method paralleling a subsequently effective administrative-code provision constituted an impermissible retroactive application of that provision.
3. Whether the evidence established a causal connection between Schaefer's allowed industrial injury and his wage loss.

HOLDINGS

1. Wage-loss compensation must be calculated on a week-by-week basis, and the Industrial Commission acted within its discretion by allocating Schaefer's bonuses to the periods during which the work generating those bonuses was performed.
2. The Commission did not impermissibly apply Ohio Adm.Code 4125-1-01(A)(16) retroactively merely because its bonus-allocation method paralleled that provision.
3. The evidence established a causal connection between Schaefer's industrial injury and his wage loss because the injury prevented him from returning to his former police position, the city lacked suitable modified work, and he thereafter obtained alternate full-time work within his medical restrictions.

KEY QUOTATIONS

"There is, therefore, support for the conclusion that a week-by-week analysis of wage loss is mandated." (479)

"Prior to Ohio Adm.Code 4125-1-01(A)(16), there was no approved method of allocating bonuses. This gave the commission considerable discretion in the methods it chose." (480)

"When claimant found alternate full-time work within Dr. Martin's restrictions, the circle of causation was complete." (480)

FACTUAL BACKGROUND

Michael L. Schaefer injured his back while working as a police officer for the City of Middleburg Heights and was medically unable to return to his former position. Because the city had no light-duty work available, Schaefer took disability retirement and obtained lower-paying employment with General Electric and later the Geon Company. During the period for which he sought wage-loss compensation, Schaefer received a \$2,000 signing bonus and a \$5,000 project-related bonus, which the Industrial Commission allocated to the periods in which the bonuses were earned.

PROCEDURAL HISTORY

Schaefer applied for wage-loss compensation based on the difference between his former police-officer wages and his earnings in subsequent employment. A district hearing officer awarded compensation in part, and a staff hearing officer modified the award by allocating Schaefer's bonuses to the periods in which they were earned. The Industrial Commission denied further appeal. The Franklin County Court of Appeals denied the city's mandamus request, and the Supreme Court of Ohio affirmed.

DISPOSITION

affirmed

CASES CITED

- State ex rel. Watts v. Schottenstein Stores Corp., 68 Ohio St. 3d 118, 121, 623 N.E.2d 1202, 1204 (1993)
- State ex rel. Haddox v. Industrial Commission, 88 Ohio St. 3d 279, 725 N.E.2d 635 (2000)