

SUPREME COURT OF OHIO

State ex rel. McDonald v. Indus. Comm.

2023 Ohio 1620 (Ohio 2023) · No. 2022-0143 · Decided May 17, 2023

SUMMARY

The Supreme Court of Ohio held that a claimant who was not married to a deceased employee may potentially qualify for workers’ compensation death benefits as a “member of the family” under R.C. 4123.59(D). The court affirmed a limited writ of mandamus directing the Industrial Commission to determine whether the claimant was a family member under the particular facts and, if so, the extent of her dependency.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Per Curiam; Chief Justice Kennedy; Justice Fischer; Justice DeWine; Justice Donnelly; Justice Stewart; Justice Brunner; Justice Deters
JURISDICTION	Ohio
DECIDED	May 17, 2023
DOCKET	2022-0143
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from a judgment of the Tenth District Court of Appeals granting a limited writ of mandamus in a workers' compensation death-benefits matter.
STANDARD OF REVIEW	On direct appeal from a mandamus action originating in a court of appeals, the Supreme Court reviews the judgment as if the action had originally been filed there. Mandamus requires clear and convincing evidence of a clear legal right, a clear legal duty, and the absence of an adequate remedy in the ordinary course of law; the relevant abuse-of-discretion issue was whether the Commission incorrectly applied R.C. 4123.59(D).
PRECEDENTIAL VALUE	Published Ohio Supreme Court opinion; precedential
PARTIES	Industrial Commission of Ohio v. State ex rel. McDonald, deceased, c/o Amanda Carpenter, dependent, Amanda Carpenter

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether an unmarried claimant may qualify for workers' compensation death benefits as a member of the deceased employee's family under the last paragraph of R.C. 4123.59(D).
2. Whether the Industrial Commission abused its discretion by denying Carpenter's claim solely because she was not McDonald's surviving spouse without determining whether she was a member of his family and, if so, the extent of her dependency.
3. Whether a limited writ of mandamus was appropriate to require the Commission to apply R.C. 4123.59(D) and make the initial factual determination regarding family membership and dependency.

HOLDINGS

1. Marital status is not determinative under the last paragraph of R.C. 4123.59(D). A person who is not a surviving spouse may nevertheless be eligible for death benefits if the person is determined, based on the particular facts, to be a member of the deceased employee's family and is dependent in whole or in part on the employee for support.
2. The Commission abused its discretion by treating Carpenter's lack of marital status as dispositive and failing to determine whether she was a member of McDonald's family under R.C. 4123.59(D).
3. A limited writ of mandamus was proper to require the Commission to vacate its order and determine whether Carpenter was a member of McDonald's family at the time of the injury and, if so, the extent of her dependency.

KEY QUOTATIONS

“Thus, marital status is not determinative of whether a person is eligible to receive death benefits under the last paragraph of R.C. 4123.59(D)—any person may be eligible if it is determined that the person is “a member of the family of the deceased employee” under the facts of the particular case.” (¶ 10)

“This was an incomplete and incorrect application of the statute.” (¶ 19)

“We therefore affirm the Tenth District Court of Appeals’ judgment granting a limited writ directing the commission to vacate its order and to consider and determine whether Carpenter was a member of McDonald’s family under R.C. 4123.59(D) and, if so, the extent of her dependency.” (¶ 20)

FACTUAL BACKGROUND

Christopher R. McDonald died in an April 2019 ditch collapse while working for J & J Schlaegel, Inc. Amanda Carpenter, his fiancée and the mother of his two minor children, had been in a relationship with McDonald for

11 years and alleged that they jointly owned property, shared financial obligations, named each other as life-insurance beneficiaries, and that McDonald provided primary financial support for her and the children. Carpenter and McDonald were engaged but never married.

PROCEDURAL HISTORY

Amanda Carpenter sought workers' compensation death benefits for herself and her two minor children after the death of her fiancé, Christopher R. McDonald. The Bureau awarded benefits to the children; a staff hearing officer awarded benefits to Carpenter, but the Industrial Commission vacated that award and denied her claim because she was not McDonald's surviving spouse. The Tenth District granted a limited writ directing the Commission to determine whether Carpenter was a member of McDonald's family under R.C. 4123.59(D) and, if so, the extent of her dependency. The Supreme Court of Ohio affirmed.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The Industrial Commission must vacate its prior order and determine, in the first instance, whether Carpenter was a member of McDonald's family under R.C. 4123.59(D) at the time of the injury that resulted in his death and, if so, the extent of her dependency in whole or in part.

CASES CITED

- State ex rel. Pressley v. Indus. Comm., 11 Ohio St.2d 141, 228 N.E.2d 631 (1967)
- State ex rel. Liposchak v. Indus. Comm., 90 Ohio St.3d 276, 281, 737 N.E.2d 519 (2000)
- State ex rel. Zarbana Industries, Inc. v. Indus. Comm., 166 Ohio St.3d 216, 2021-Ohio-3669, 184 N.E.3d 81
- State ex rel. Sheppard v. Indus. Comm., 139 Ohio St.3d 223, 2014-Ohio-1904, 11 N.E.3d 231
- Blair v. Keller, 16 Ohio Misc. 157, 241 N.E.2d 767 (C.P. 1968)
- Indus. Comm. v. Dell, 104 Ohio St. 389, 135 N.E. 669 (1922)
- Evans v. Indus. Comm., 166 Ohio St. 413, 143 N.E.2d 705 (1957)
- Staker v. Indus. Comm., 127 Ohio St. 13, 186 N.E. 616 (1933)
- Kloker v. Indus. Comm., 31 Ohio Law Abs. 628 (2d Dist. 1940)