

SUPREME COURT OF OHIO

State ex rel. Lampkins v. Dayton Malleable, Inc.

11 Ohio St. 3d 46 (Ohio 1984) · Decided May 23, 1984

SUMMARY

The Ohio Supreme Court affirmed the denial of a writ concerning an Industrial Commission order addressing the extent of disability and payment for prescribed drugs. The court held that the claimant received adequate notice because the matter involved the extent of disability rather than a disputed claim regarding initial claim allowability, and it noted that the Commission retained continuing jurisdiction to modify prior orders.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Per Curiam; Celebrezze, C.J.; W. Brown, J.; Sweeney, J.; Locher, J.; Holmes, J.; C. Brown, J.; J. P. Celebrezze, J.
JURISDICTION	Ohio
DECIDED	May 23, 1984
DISPOSITION	affirmed
PROCEDURAL POSTURE	Lampkins sought a writ of mandamus challenging an Industrial Commission order on the ground that he had not received adequate notice of the issues considered at the hearing. The court of appeals denied the writ, and Lampkins appealed.
STANDARD OF REVIEW	The Supreme Court reviewed the legal interpretation of the workers' compensation statutes and the denial of the requested writ.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	State ex rel. Lampkins v. Dayton Malleable, Inc.

TOPICS

- agency adjudication
- administrative law
- statutory interpretation
- judicial review of agency action
- appellate procedure

PRACTICE AREAS

- Ohio workers' compensation
- administrative law
- mandamus
- statutory interpretation

QUESTIONS PRESENTED

1. Whether the Industrial Commission proceedings involved a disputed claim requiring the notice and opportunity-to-be-heard protections of R.C. 4123.515 and 4123.518.
2. Whether the August 14, 1981 order was invalid because Lampkins allegedly lacked adequate notice that payment for prescribed drugs would be considered.
3. Whether Lampkins was permanently barred from seeking allowance for the prescribed drugs addressed in the Commission's order.

HOLDINGS

1. Because Lampkins's claim had already been initially recognized and allowed, and the appeals concerned only the extent of disability, there was no disputed claim within the meaning of R.C. 4123.518 requiring the specified opportunity to be heard and present evidence.
2. The notice was not legally inadequate because the statutory opportunity-to-be-heard provisions invoked by Lampkins applied only to disputed claims, and this was not a disputed claim.
3. Lampkins was not necessarily permanently foreclosed from seeking allowance for the prescribed drugs because the Industrial Commission retains continuing jurisdiction to modify or change prior findings and orders when justified.

KEY QUOTATIONS

“Eltra defines a disputed claim as meaning “ * * a dispute as to the original allowability of the claim itself.”” (47)*

“The jurisdiction of the industrial commission over each case shall be continuing, and the commission may make such modification or change with respect to former findings or orders with respect thereto, as, in its opinion is justified.” (48)

FACTUAL BACKGROUND

Lampkins's workers' compensation claim had initially been recognized and allowed, and the proceedings before the August 14, 1981 Industrial Commission order concerned the extent of disability. He argued that notice was inadequate because the issue of payment for specified prescription drugs had not previously been raised. He also argued that he was permanently foreclosed from obtaining allowance for those drugs, despite the Commission's continuing jurisdiction over the claim.

PROCEDURAL HISTORY

The Industrial Commission issued an August 14, 1981 order concerning the extent of disability and payment for prescribed drugs. Lampkins challenged the order in a mandamus action, asserting inadequate notice. The court of appeals denied the writ, and the Supreme Court of Ohio affirmed.

DISPOSITION

affirmed

CASES CITED

- State ex rel. Eltra Corp. v. Industrial Commission, 36 Ohio St. 2d 96, 98 (1973)
- State ex rel. Company v. Industrial Commission, 49 Ohio App. 2d 351 (1976)

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