

SUPREME COURT OF OHIO

State ex rel. Carder v. Industrial Commission

94 Ohio St. 3d 165 (Ohio 2002) · Decided January 30, 2002

SUMMARY

The Ohio Supreme Court affirmed the denial of a workers’ compensation claimant’s application for additional compensation based on an alleged violation of a specific safety requirement. The court held that the Industrial Commission did not abuse its discretion in determining that a closed skylight was not a “roof opening” under the applicable Ohio safety rule, resolving reasonable doubts about the rule’s applicability in the employer’s favor.

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	January 30, 2002
DISPOSITION	affirmed
PROCEDURAL POSTURE	Carder sought a writ of mandamus in the Court of Appeals for Franklin County after the Industrial Commission denied his application for additional workers' compensation benefits based on an alleged violation of a specific safety requirement. The court of appeals denied relief, and Carder appealed as of right to the Supreme Court of Ohio.
STANDARD OF REVIEW	Whether the Industrial Commission abused its discretion in denying the VSSR application; the commission's interpretation and application of the safety requirement were reviewed under the abuse-of-discretion standard.
PRECEDENTIAL VALUE	Published Ohio Supreme Court opinion; precedential.
PARTIES	Gregory A. Carder v. Industrial Commission of Ohio

TOPICS

- workers compensation
- judicial review of agency action
- administrative law
- statutory interpretation

PRACTICE AREAS

workers' compensation

administrative law

employment law

statutory interpretation

QUESTIONS PRESENTED

1. Whether a closed skylight constituted a "roof opening" under former Ohio Adm.Code 4121:1-3-04(D) (3).
2. Whether the Industrial Commission abused its discretion by denying Carder's application for additional workers' compensation benefits based on its interpretation of that safety requirement.

HOLDINGS

1. The Industrial Commission did not abuse its discretion in determining that a closed skylight did not constitute a roof opening for purposes of former Ohio Adm.Code 4121:1-3-04(D)(3).

KEY QUOTATIONS

"There simply was no 'opening' for the employer to consider." (167)

"The magistrate agrees that the plain meaning of 'openings' would not suggest to employers that they need to test coverings already in place and provide stronger ones where the existing coverings would not hold a certain amount of weight." (167)

FACTUAL BACKGROUND

On April 22, 1997, Gregory A. Carder was working as a roofer for Colonial Builders, Inc., when he fell through a skylight and was injured. Carder alleged that his employer violated former Ohio Adm.Code 4121:1-3-04(D) (3), which required guardrails, toeboards, or qualifying covers where there was a danger of an employee falling through a roof opening. The Industrial Commission denied his application for additional compensation, finding that the injury involved a closed skylight rather than a roof opening.

PROCEDURAL HISTORY

Carder's workers' compensation claim was allowed after he fell through a skylight while reroofing a commercial building. The Industrial Commission denied his VSSR application, concluding that the applicable rule governing roof openings did not apply to the closed skylight. The Court of Appeals for Franklin County held that the commission did not abuse its discretion, and the Supreme Court of Ohio affirmed.

DISPOSITION

affirmed

CASES CITED

- State ex rel. Trydler v. Indus. Comm. (1972), 32 Ohio St. 2d 257, 61 O.O. 2d 488, 291 N.E.2d 748
- State ex rel. Burton v. Indus. Comm. (1989), 46 Ohio St. 3d 170, 545 N.E.2d 1216

