

SUPREME COURT OF OHIO

State ex rel. Kelsey Hayes Co. v. Grashel

138 Ohio St. 3d 297, 2013-Ohio-4959 (2013) · No. 2012-0032 · Decided November 14, 2013

SUMMARY

The Ohio Supreme Court held that an injured worker who voluntarily abandoned the workforce and ultimately the entire job market was ineligible for permanent-total-disability compensation. The court concluded that the Industrial Commission had previously determined that the worker's disabling symptoms were caused by smoking rather than allowed workers' compensation conditions, and therefore erred in finding that his retirement was involuntary. The court reversed the court of appeals and granted a writ of mandamus directing the Commission to deny permanent-total-disability compensation.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Per curiam; O'Connor, C.J.; O'Donnell, J.; Lanzinger, J.; Kennedy, J.; Pfeifer, J.; French, J.; O'Neill, J.
JURISDICTION	Ohio
DECIDED	November 14, 2013
DOCKET	2012-0032
DISPOSITION	reversed
PROCEDURAL POSTURE	Kelsey Hayes appealed as of right from the Tenth District Court of Appeals' denial of its complaint for a writ of mandamus seeking to compel the Industrial Commission to vacate an award of permanent-total-disability compensation to Grashel.
STANDARD OF REVIEW	In mandamus review of an Industrial Commission decision, the court determines whether the Commission abused its discretion; the Commission's decision must be supported by evidence in the record and must comply with applicable law.
PRECEDENTIAL VALUE	published
PARTIES	Kelsey Hayes Company v. Arthur Grashel, Industrial Commission

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QUESTIONS PRESENTED

1. Whether the Industrial Commission abused its discretion by finding that Grashel had not voluntarily abandoned the workforce when he stopped working and retired.
2. Whether the Commission could rely on medical evidence from Dr. Pue after previously rejecting that evidence in determining that Grashel's symptoms were caused by his allowed conditions.
3. Whether Grashel's failure to seek other employment or vocational rehabilitation constituted abandonment of the entire job market, precluding permanent-total-disability compensation.

HOLDINGS

1. An employee who retires before becoming permanently and totally disabled is ineligible for permanent-total-disability compensation when the retirement is voluntary and constitutes abandonment of the entire job market. Because the Commission had previously determined that Grashel's symptoms causing him to stop working were caused by a nonallowed smoking condition, the Commission abused its discretion by finding that he had not voluntarily abandoned the workforce.
2. The Industrial Commission may not rely on medical evidence that it previously rejected to establish that the allowed conditions caused the claimant's symptoms when making a later determination concerning voluntary abandonment.
3. The evidence established that Grashel abandoned the entire job market because he did not seek other employment or vocational rehabilitation after leaving work and elected early Social Security retirement for financial reasons.

KEY QUOTATIONS

“An employee who retires prior to becoming permanently and totally disabled is precluded from eligibility for permanent total disability compensation only if the retirement is voluntary and constitutes an abandonment of the entire job market.” (§ 14)

“We reverse the judgment of the court of appeals and grant a writ of mandamus ordering the commission to vacate its previous order and issue a new order denying permanent-total-disability compensation.” (§ 21)

FACTUAL BACKGROUND

Arthur Grashel worked as a machinist for Kelsey Hayes and had an allowed workers' compensation claim for hypersensitivity pneumonitis and hypersensitivity-induced reactive upper-airway disease. He stopped working on September 20, 2004, after experiencing renewed symptoms, but a medical examiner attributed his respiratory problems to long-term cigarette smoking rather than the allowed conditions. Grashel then took Social Security

retirement benefits, did not seek other employment or vocational rehabilitation, and later received an award of permanent-total-disability compensation from the Industrial Commission.

PROCEDURAL HISTORY

The Industrial Commission initially denied Grashel temporary-total-disability compensation after determining that his symptoms were caused by smoking rather than his allowed conditions. The Commission later awarded permanent-total-disability compensation, and the Tenth District previously issued a limited writ requiring reconsideration of whether Grashel had voluntarily abandoned the workforce. After a rehearing, the Commission again awarded benefits; the Tenth District denied Kelsey Hayes's renewed mandamus complaint, and the Supreme Court of Ohio reversed and granted the writ.

DISPOSITION

reversed

REMAND INSTRUCTIONS

The Industrial Commission was ordered to vacate its previous order and issue a new order denying permanent-total-disability compensation.

CASES CITED

- State ex rel. Baker Material Handling Corp. v. Indus. Comm., 69 Ohio St. 3d 202, 631 N.E.2d 138 (1994)
- State ex rel. Zamora v. Indus. Comm., 45 Ohio St. 3d 17, 543 N.E.2d 87 (1989)
- State ex rel. Verbanek v. Indus. Comm., 73 Ohio St. 3d 562, 653 N.E.2d 374 (1995)
- State ex rel. Kelsey Hayes Co. v. Grashel, 10th Dist. Franklin No. 08AP-484, 2009-Ohio-818, 2009 WL 444355
- State ex rel. Fries v. Bur. of Workers' Comp., 10th Dist. Franklin No. 01AP-721, 2002-Ohio-3252
- State ex rel. Burley v. Coil Packing, Inc., 31 Ohio St. 3d 18, 508 N.E.2d 936 (1987)
- State ex rel. Dingus v. Quinn Dev. Co., 70 Ohio St. 3d 580, 639 N.E.2d 1184 (1994)

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