

SUPREME COURT OF OHIO

State ex rel. Schack v. Industrial Commission

93 Ohio St. 3d 247 (Ohio 2001) · Decided September 26, 2001

SUMMARY

The Ohio Supreme Court held that a workers' compensation claimant who left his former employment pursuant to a negotiated settlement and later obtained another job had not abandoned the labor market. Because medical evidence showed that his industrial injury prevented him from performing the new job, the court held that he remained eligible for temporary total disability compensation under State ex rel. Baker v. Industrial Commission. The court reversed 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	September 26, 2001
DISPOSITION	reversed
PROCEDURAL POSTURE	Claimant appealed as of right from a court of appeals judgment upholding the Industrial Commission's denial of temporary total disability compensation and denying his mandamus complaint.
STANDARD OF REVIEW	Whether the Industrial Commission abused its discretion in denying temporary total disability compensation; mandamus relief was appropriate only if the commission had a clear legal duty to provide the compensation and its decision constituted an abuse of discretion.
PRECEDENTIAL VALUE	Published Ohio Supreme Court opinion; binding precedent in Ohio.
PARTIES	Gerald K. Schack v. Industrial Commission of Ohio

TOPICS

workers compensation

administrative law

remedies

PRACTICE AREAS

workers compensation

administrative law

remedies

QUESTIONS PRESENTED

1. Whether a claimant who leaves a former position of employment pursuant to a negotiated settlement, later obtains other employment, and then becomes medically unable to perform the new job is eligible for temporary total disability compensation.
2. Whether State ex rel. Baker v. Industrial Commission applies when the claimant's departure from the former position was not motivated by an immediately available better job.

HOLDINGS

1. A claimant who leaves the former position of employment for a reason other than an intention to abandon the labor market, later obtains other employment, and becomes medically unable to perform the new job because of the industrial injury remains eligible for temporary total disability compensation.

KEY QUOTATIONS

“When a claimant who is medically released to return to work following an industrial injury leaves his or her former position of employment to accept another position of employment, the claimant is eligible to receive temporary total disability compensation pursuant to R.C. 4123.56(A) should the claimant reaggravate the original industrial injury while working at his or her new job.”

“Baker returns the focus of analysis to the disabling effects of a claimant’s injury rather than upon — as it has been over the last several years — a claimant’s decision to leave the job at which he or she was injured.”

FACTUAL BACKGROUND

Gerald K. Schack injured his lower back in 1990 while working for the city of Geneva and received workers' compensation benefits. After surgery, he returned to his former job but later resigned pursuant to a negotiated settlement, effective August 31, 1994. He obtained other employment as a tow motor operator in 1995, and both his attending physician and an examining commission physician concluded in 1999 that his industrial injury temporarily prevented him from performing that job.

PROCEDURAL HISTORY

The Industrial Commission denied Schack's request for temporary total disability compensation, finding that he had voluntarily removed himself from his former employment and had not quit because of his allowed industrial conditions. Schack filed a mandamus action in the Franklin County Court of Appeals, which upheld the commission's decision. The Supreme Court of Ohio reversed.

DISPOSITION

reversed

CASES CITED

- State ex rel. Baker v. Industrial Commission, 89 Ohio St. 3d 376, 732 N.E.2d 355 (2000)

