

SUPREME COURT OF OHIO

State ex rel. Avalon Precision Casting Co. v. Industrial Commission

State ex rel. Avalon Precision Casting Co. v. Indus. Comm'n, 109 Ohio St. 3d 237 (Ohio 2006) · Decided May 24, 2006

SUMMARY

The Ohio Supreme Court affirmed summary judgment for the Industrial Commission in a workers' compensation mandamus action brought by Avalon Precision Casting Company. The court held that some evidence supported authorization of an MRI for the injured employee and that Avalon was not entitled to a writ compelling a different result.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Per Curiam; Moyer, C.J.; Resnick, J.; Pfeifer, J.; Lundberg Stratton, J.; O'Connor, J.; O'Donnell, J.; Lanzinger, J.
JURISDICTION	Ohio
DECIDED	May 24, 2006
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal as of right from a judgment of the Franklin County Court of Appeals granting the Industrial Commission's motion for summary judgment and denying Avalon Precision Casting Company's request for a writ of mandamus.
STANDARD OF REVIEW	For the commission's decision, whether some evidence supports the decision; a writ of mandamus is unavailable absent an abuse of discretion. The appellate court's acceptance of an allegedly untimely summary judgment motion is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published Ohio Supreme Court opinion; precedential.
PARTIES	State ex rel. Avalon Precision Casting Co. v. Industrial Commission of Ohio, Johnnie Edwards

TOPICS

workers compensation

judicial review of agency action

administrative law

summary judgment

civil procedure

PRACTICE AREAS

workers compensation

administrative law

civil procedure

remedies

QUESTIONS PRESENTED

1. Whether the court of appeals abused its discretion by accepting the Industrial Commission's allegedly untimely summary judgment motion.
2. Whether Avalon was entitled to a writ of mandamus compelling the Industrial Commission to overturn the bureau's authorization of Edwards's MRI.
3. Whether the court needed to decide whether Avalon's mandamus complaint was ripe while Avalon's separate motion to vacate the underlying workers' compensation claim remained pending.

HOLDINGS

1. The court of appeals did not abuse its discretion by allowing the Industrial Commission to file its summary judgment motion after the deadline because the court granted leave and Avalon had ample opportunity to respond.
2. A writ of mandamus was not warranted because some evidence supported the bureau's authorization of the MRI and the Industrial Commission therefore did not abuse its discretion in declining to overturn that authorization.
3. The court did not need to decide whether Avalon's mandamus complaint was premature because the complaint could be dismissed on its merits.

KEY QUOTATIONS

“The appropriate standard guiding our review is whether there is ‘some evidence’ in the record to support the commission’s decision.” (at 238)

“Where a commission order is adequately explained and based on some evidence, even evidence that may be persuasively contradicted by other evidence of record, the order will not be disturbed as manifesting an abuse of discretion.” (at 238)

FACTUAL BACKGROUND

Johnnie Edwards received workers' compensation benefits for workplace injuries to his right knee and leg. His treating physician recommended an MRI, and the Bureau of Workers' Compensation authorized the procedure. After Avalon challenged the authorization, a second physician reviewed Edwards's treatment plan and agreed that the MRI was reasonable and necessary. The bureau and the Industrial Commission rejected Avalon's challenges.

PROCEDURAL HISTORY

Edwards received workers' compensation benefits for workplace injuries to his right knee and leg. After the bureau authorized an MRI and the Industrial Commission rejected Avalon's administrative challenges, Avalon filed a mandamus action in the Franklin County Court of Appeals. The court granted the commission's summary

judgment motion, concluding that Avalon's challenge was premature while a separate motion to vacate the underlying claim allowance was pending. The Supreme Court of Ohio affirmed on the merits without reaching the ripeness issue.

DISPOSITION

affirmed

CASES CITED

- State ex rel. Secreto v. Indus. Comm., 80 Ohio St. 3d 581, 582-583, 687 N.E.2d 715 (1997)
- State ex rel. Mobley v. Indus. Comm., 78 Ohio St. 3d 579, 584, 679 N.E.2d 300 (1997)

OPINION

PER CURIAM.

Per Curiam. {¶ 1} This is an appeal from the granting of a motion for summary judgment in a workers' compensation mandamus case. We affirm. {¶ 2} Appellee Johnnie Edwards filed a claim for workers' compensation benefits in 2001.

The Bureau of Workers' Compensation reviewed the claim and determined that Edwards was entitled to benefits for workplace injuries to his right knee and leg. {¶ 3} In 2003, Edwards's treating physician recommended that Edwards undergo a magnetic-resonance-imaging ("MRI") procedure on his right knee so that the doctor could identify and treat his injuries more effectively.

The doctor sought and received the bureau's authorization for the MRI in April 2003. Edwards's employer, Avalon Precision Casting Company, then challenged the bureau's authorization of the MRI, exhausting all administrative appeals at the bureau and at the Industrial Commission. {¶ 4} When those appeals did not succeed, Avalon filed a petition for a writ of mandamus in May 2004 in the Court of Appeals for Franklin County, alleging that the bureau and the commission had improperly authorized the MRI as a proper course of treatment for Edwards's workplace injuries.

In a separate filing in June 2004, Avalon — citing alleged fraud on the part of Edwards — also asked the commission to vacate the bureau's underlying determination made in 2001 awarding workers' compensation benefits to Edwards for those injuries. {¶ 5} The commission filed a motion for summary judgment in the mandamus case, and in May 2005, the court of appeals granted summary judgment in the commission's favor.

The court of appeals ruled that Avalon's legal challenge to the commission's authorization of the MRI was not ripe for review while Avalon's *238motion to vacate the underlying workers' compensation claim was pending before the commission. {¶ 6} Avalon has now filed an appeal as of right.

For the reasons that follow, we affirm the judgment of the court of appeals. {¶ 7} Avalon argues first that the commission's motion for summary judgment in the court of appeals was untimely and should not have been accepted by that court.

The court of appeals, however, expressly granted leave to the commission to file the motion within a few days after it was tendered to the court. Absent an abuse of discretion, a lower court's decision to accept such a motion — even if the motion is untimely — will not be reversed on appeal.

In this case, Avalon was given ample opportunity to respond — and did respond — to the commission's summary judgment motion, and we hold that the court of appeals did not abuse its discretion when it allowed the commission to file that motion. {¶ 8} In granting the commission's summary judgment motion, the court of appeals concluded that Avalon's mandamus complaint was premature as long as Avalon's challenge to the underlying allowance of Edwards's workers' compensation claim was pending before the 'bureau.

We need not reach that ripeness issue, for appellant Avalon urges us to address the merits of its mandamus complaint, and we find ample grounds to support the dismissal of that complaint on its merits. {¶ 9} “The appropriate standard guiding our review is whether there is ‘some evidence’ in the record to support the commission's decision. * * * If so, then the commission will not be deemed to have abused its discretion, and the granting of a writ of mandamus to correct an abuse of discretion is not warranted.” State ex rel.

Secreto v. Indus. Comm. (1997), 80 Ohio St.3d 581, 582-583, 687 N.E.2d 715. This court's role is not to “micromanage the commission as it carries out the business of compensating for industrial/occupational injuries and illness.” State ex rel. Mobley v. Indus. Comm.

(1997), 78 Ohio St.3d 579, 584, 679 N.E.2d 300. “Where a commission order is adequately explained and based on some evidence, even evidence that may be persuasively contradicted by other evidence of record, the order will not be disturbed as manifesting an abuse of discretion.” Id. {¶ 10} In this case, Edwards's treating physician recommended that he undergo an MRI on his right knee, When Avalon challenged that recommendation, a second physician reviewed Edwards's treatment plan and agreed that an MRI was a reasonable and necessary procedure that would assist his doctor in treating the injured knee.

The bureau then relied on that second doctor's conclusion when it rejected Avalon's administrative challenges to the MRI authorization. {¶ 11} Because at least some evidence in the record supported the decision of the bureau on the MRI issue, we cannot say that the commission abused its discretion when it declined to overturn the bureau's authorization of that procedure.

Avalon was therefore not entitled to a writ of mandamus compelling the commission to reach a different outcome, and the court of appeals properly-granted judgment in the commission's favor

on the mandamus complaint. Willacy, LoPresti & Marcovy and Aubrey B. Willacy, for appellant. Jim Petro, Attorney General, and Dennis Behm, Assistant Attorney General, for appellee Industrial Commission of Ohio. Rapoport, Spitz, Friedland & Courtney and Michael.

M. Courtney, for appellee Johnnie Edwards. Judgment affirmed. Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.