

Successfully Vacated an Order for Temporary-Total-Disability Compensation in a Case of First Impression Before the Supreme Court of Ohio

The Amundsen Davis team's request for a writ of mandamus to vacate an order for temporary-total-disability ("TTD") compensation was granted by the Supreme Court of Ohio in a workers' compensation case against the firm's client, a national auto parts store. A store employee who injured his right shoulder during the course of his normal job duties was later terminated for violating the store's employment policies. Following his termination, he underwent shoulder surgery and submitted a request for TTD compensation, which was granted beginning on the date of his surgery. On appeal, the Tenth District Court of Appeals denied the employer's request for a writ of mandamus.

This was a case of first impression after the Ohio legislature enacted new language to the TTD statute, effectively replacing the voluntary abandonment doctrine that had been caselaw for 50 years. The Ohio Supreme Court reversed the appellate court's decision, reasoning that a causal relationship between the injury and loss of earnings is required. The Supreme Court decided that the former employee was not entitled to workers' compensation, ultimately agreeing with the employer that because his employment had already been terminated, he was not working as the direct result of reasons unrelated to his injury. As a result, the employer can seek reimbursement from the state for TTD compensation paid to its former employee.

PROFESSIONALS

John C. Albert
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