

## Ohio Supreme Court Issues Ruling in Closely Watched Workers' Compensation Case

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The Ohio Supreme Court issued its opinion today (November 26, 2024) in the AutoZone case (*State ex rel. AutoZone Stores, Inc. v. Indus. Comm.*, Slip Opinion No. 2024-Ohio-5519). The decision is favorable to employers who challenge certain periods of temporary total disability benefits. In 2020 the Ohio legislature enacted new language to the temporary total statute ORC 4123.56(F). This new section superseded the court doctrine of Voluntary Abandonment, and replaced it with the following language:

If an employee is unable to work or suffers a wage loss as the direct result of an impairment arising from an injury or occupational disease, the employee is entitled to receive compensation under this section, provided the employee is otherwise qualified. If an employee is not working or has suffered a wage loss as the direct result of reasons unrelated to the allowed injury or occupational disease, the employee is not eligible to receive compensation under this section. It is the intent of the general assembly to supersede any previous judicial decision that applied the doctrine of voluntary abandonment to a claim brought under this section.

### The Ohio Supreme Court determined:

"Superseding the voluntary-abandonment decisions under the third sentence of R.C. 4123.56(F) does not eliminate the requirement of a causal relationship between the allowed injury and an actual loss of earnings. R.C. 4123.56(F) replaces the voluntary-abandonment decisions with a "direct result" requirement, clarifying that the claimed loss of wages or inability to work must be directly caused by an "impairment arising from an injury" and not by "reasons unrelated to the allowed injury."

If you have any pending cases/claims where the claimant is requesting a new period of temporary total after he or she was not actually working (quit/fired) at the time their new period of requested compensation begins, the AutoZone case may help employers defend the requested period of compensation.

Contact your Vorys lawyer if you have any questions about how this may impact your organization.

