



Ohio BWC appeals \$860 million premium overcharge verdict to Supreme Court

July 1, 2014

The Ohio Bureau of Workers' Compensation (BWC) announced it will ask the Ohio Supreme Court to hear its appeal in *San Allen v. Buehrer*, a class action law suit alleging the BWC overcharged non-group rated businesses by \$860 million. The BWC hopes to have the lower court's decision overturned, or at minimum have its side of the story heard.

After an unusually harsh, 3-0 ruling by the Eight District Court of Appeals, the trial court's decision that the BWC operated an unlawful rating system, granting excessive premium discounts to employers participating in the group rating system at the expense of non-group-rated businesses, was upheld. In its decision, the Court referred to group sponsors and the BWC as a "cabal" of bureaucrats and lobbyists playing a "heads we win . . . tails you lose" game with the group-rating system.

After filing its appeal, the BWC indicated that it looks forward to presenting its case before the Supreme Court because the BWC policies that gave rise to this case over a decade ago are no longer in place. The current administration at the BWC has addressed the issues that led to the *San Allen* case, lowering the maximum discount on premiums that employers in a group plan could receive. After settlement negotiations failed, the BWC moved forward with the appeal noting that it is necessary so that small businesses and injured workers in Ohio will know and trust their current policies.

Unfortunately, small businesses around Ohio counting on the return of this money for their businesses must now wait until the Supreme Court rules on this appeal sometime next year.

As the case progresses, Bricker & Eckler LLP will keep you posted on all developments. If you have any questions in the meantime, please contact [Sue A. Wetzel](#).

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