

GREENE COURT CASE CLAIM REVIEW WORKFLOW

The *Greene Court Case* involves an injured worker (Linda Greene) who filed an initial application for benefits which was denied for lack of adequate medical evidence.

Ms. Greene did not file an appeal to this denial, but waited approximately nine months and filed another application for the same incident and conditions as the previously denied application.

This application was denied by BWC and upheld throughout the IC hearing process. The Court of Common Pleas overturned the IC decision. The Franklin County Court of Appeals upheld the Common Pleas Court.

The Franklin County Court of Appeals decision overturned all previous decisions and held that Ms. Greene could file a valid second application and that her second application must be adjudicated on its merits, regardless of lack of timely appeal and/or filing under ORC 4123.511.

The IC issued Resolution No. R98-I-02, dated 2/12/98 states that a Hearing Officer will apply Linda Greene to claims that present all of the elements of the following fact pattern:

- (1) BWC Denied the original claim allowance for the reason that the injured worker did not provide all the information BWC requested, or because there was not sufficient information submitted to establish the claim;
- (2) No appeal is filed on the BWC Order denying the original allowance of the claim; and
- (3) A second claim application is filed for the same incident/accident.

NOTE: The second application did have the evidence/information attached. BWC will require supporting documentation..

