

**State of Ohio  
Industrial Commission  
Policy Statements and Guidelines**

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**Staff Hearing Officers Review of Settlements**

ORC 4123.65(D) requires that an Industrial Commission staff hearing officer review settlements and determine whether the "settlement agreement is or is not a gross miscarriage of justice."

A review of the following documentation shall be deemed sufficient to discharge this responsibility:

1) A settlement agreement signed by all necessary parties and/or their attorney. The signature of a non-attorney representative is not sufficient or appropriate as set forth in previous guidance given on the issue. An e-signature is permitted so long as the legal requirements are met. An e-mail is not sufficient to constitute an e-signature. Also, the thirty day period provided to the parties to withdraw from the settlement agreement as described in ORC 4123.65 (C) can not be waived by the parties.

2) In state fund claims, a BWC approval order setting forth the terms of the final agreement of all necessary parties, including the amount allocated to each claim. In addition, the settlement documentation must also provide information which justifies the reasoning for the settlement as required by ORC 4123.65(A). A separate order need not be issued in every claim so long as all parties to each settled claim are provided notice, in a BWC approval order, as to the settlement value of each claim being settled. In addition, if the amount of the overall settlement set forth in the BWC approval order matches the amount contained in the settlement agreement, it is not necessary for the BWC to obtain another signature of the parties.

The staff hearing officer review shall include the documentation referenced above, and such additional information as may be necessary to determine the basis for the settlement amount. Generally speaking, review of documentation relied on to support the BWC approval order will satisfy this requirement .

If the staff hearing officer determines that the amount and the terms of the settlement are not clearly unfair, the staff hearing officer should indicate that the settlement agreement was reviewed. If the staff hearing officer does not have sufficient information, as defined in this policy, to review the settlement or determines that the settlement is "clearly unfair," an order should be issued disapproving of the settlement within the thirty day "cooling off" period.

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