

Appeals Court Affirms Judgment against BWC in Group Rating Class Action Lawsuit

The 8th District Court of Appeals has affirmed a 2013 Cuyahoga County court decision finding the Ohio BWC must refund \$859 million dollars to Ohio employers. This ruling arose out of a class action lawsuit brought on behalf of non-group rated employers. The suit alleged that the Ohio BWC, through premium rate calculations, had non-group rated employers “subsidizing” premium discounts to group rated employers. The 8th District Court of Appeals did order the Cuyahoga County Court of Common Pleas to provide a detailed accounting of the employers who would receive monies under this decision. The Ohio BWC has asked the 8th District Court of Appeals to “Stay the Execution” of the judgment pending their appeal to the Ohio Supreme Court. Please note this ruling only applies to non-group state funded risks during policy years 2001 to 2008. This ruling has no effect on Self Insured risks.