

**IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO**

Michael D. Palicka 68457 Chermont Rd. Bridgeport, OH 43912	:	Case No. _____
	:	
	:	BWC Claim No. 18-208336
	:	
Plaintiff,	:	Jury Demand Endorsed Hereon
	:	
vs.	:	Judge
	:	
United Dairy Inc.	:	
PO Box 280	:	
Martins Ferry, OH 43935	:	
	:	
and	:	
	:	
Administrator, Ohio Bureau of	:	
Workers' Compensation	:	
30 West Spring Street, 6th Floor	:	
Columbus, OH 43215	:	
	:	
Defendants.	:	

COMPLAINT

1. On or about October 30, 2018, Plaintiff, Michael D. Palicka ("Plaintiff"), was employed by the Defendant, United Dairy Inc. (Employer).

2. On that date, United Dairy Inc. was an Ohio employer amenable to Chapter 4123 of the Ohio Revised Code.

3. The Administrator of the Bureau of Workers' Compensation is the duly authorized agent entrusted with overseeing Ohio Workers' Compensation claims.

4. On or about October 30, 2018, Plaintiff accidentally sustained an injury and/or was diagnosed with having contracted an occupational disease in the course of and arising out of his employment with the employer. Said injury was sustained in Weirton, West Virginia. Venue is proper in Franklin County pursuant to Rule 3 of the Ohio Rules of Civil Procedure.

5. Thereafter, the Plaintiff filed with the Ohio Bureau of Workers' Compensation a claim to which was assigned claim number 18-208336.

6. As a result of the Plaintiff's work injury, the Plaintiff's claim was recognized for the conditions of: closed displaced fracture distal radius right wrist; right upper extremity complex regional pain syndrome; major depressive disorder, single episode, moderate, with anxious distress moderate-severe.

7. On November 22, 2024, the Plaintiff filed a Motion with the Bureau of Workers' Compensation requesting that the claim be additionally allowed for the conditions of dorsal intercalated segment instability right scapholunate and right distal radioulnar joint widening.

8. On January 22, 2024, a hearing was held before a District Hearing Officer of the Industrial Commission of Ohio who issued an order (Exhibit A) allowing the Plaintiff's claim for the additional condition dorsal intercalated segment instability right scapholunate and disallowing the Plaintiff's claim for the additional condition of right distal radioulnar joint widening.

9. On February 10, 2025, the Plaintiff filed an Appeal to the District Hearing Officer's order.

10. On March 27, 2025, a hearing was held before a Staff Hearing Officer who issued an order (Exhibit B) affirming the District Hearing Officer's order.

11. On April 3, 2025, the Plaintiff filed a Notice of Appeal to the Staff Hearing Officer's decision.

12. On April 17, 2025, the Industrial Commission of Ohio mailed an order (Exhibit C) typed April 15, 2025, refusing the Plaintiff's appeal from the Staff Hearing Officer's decision.

13. The April 17, 2025, order is a final order disallowing the Plaintiff the right to participate in his workers' compensation claim for the additional condition of right distal radioulnar joint widening.

WHEREFORE, Plaintiff now prays for the right to participate in the workers' compensation fund for the additional condition of right distal radioulnar joint widening, for a jury trial, for costs, statutory attorney's fees and for such relief as this Court may deem equitable.

Respectfully submitted,

/S/ Kara S. Dolan-West

Kara S. Dolan-West (0093431)

Jacob B. Brandt (0097639)

The Bainbridge Firm, LLC

900 Michigan Ave.

Columbus, Ohio 43215

Telephone: (614) 545-9990

Fax: (614) 224-9300

kdolan@bainbridgefirm.com

jbrandt@bainbridgefirm.com

Attorneys for Plaintiff

Michael D. Palicka

JURY DEMAND

Plaintiff demands a trial of this cause by Jury.

/S/ Kara S. Dolan-West

Kara S. Dolan-West (0093431)

Jacob B. Brandt (0097639)

REQUEST FOR SERVICE

Please serve a copy of the foregoing Complaint in accordance with O.R.C. Section 4123.512 upon the following:

United Dairy Inc.
PO Box 280
Martins Ferry, OH 43935

and

Administrator, Ohio Bureau of
Workers' Compensation
30 West Spring Street, 6th Floor
Columbus, OH 43215

/S/ Kara S. Dolan-West
Kara S. Dolan-West (0093431)
Jacob B. Brandt (0097639)

Ohio Industrial Commission

RECORD OF PROCEEDINGS

Exhibit A

Claim Number: 18-208336
LT-ACC-OSIF-COV
PCN: 2243481 Michael D. Palicka

Claims Heard: 18-208336

MICHAEL D. PALICKA
68457 CHERMONT RD
BRIDGEPORT OH 43912-9719

Date of Injury: 10/30/2018

Risk Number: 1773-0

This claim has been allowed for: **CLOSED DISPLACED FRACTURE DISTAL RADIUS RIGHT WRIST; RIGHT UPPER EXTREMITY COMPLEX REGIONAL PAIN SYNDROME; MAJOR DEPRESSIVE DISORDER, SINGLE EPISODE, MODERATE, WITH ANXIOUS DISTRESS MODERATE-SEVERE.**

This matter was heard on 01/22/2025 before District Hearing Officer Kevin W. Bench pursuant to the provisions of R.C. Sections 4121.34 and 4123.511 on:

C-86 Motion filed by Injured Worker on 11/22/2024:

- 1) Additional Allowance - DORSAL INTERCALATED SEGMENT INSTABILITY RIGHT SCAPHOLUNATE
- 2) Additional Allowance - RIGHT DISTAL RADIOULNAR JOINT WIDENING

Notices were mailed to the Injured Worker, the Employer, their respective representatives and the Administrator of the Bureau of Workers' Compensation not less than 14 days prior to this date and the following were present:

APPEARANCE FOR THE INJURED WORKER: Atty. Dolan-West via Webex
APPEARANCE FOR THE EMPLOYER: No Appearance
APPEARANCE FOR THE ADMINISTRATOR: Atty. Behm via Webex

It is the order of the District Hearing Officer that the C-86 Motion filed 11/22/2024 is granted and denied in parts.

Based on clarification from Injured Worker's attorney, District Hearing Officer notes that both additional allowances noticed for today's hearing are being requested based solely on a theory of direct causation.

District Hearing Officer finds that Injured Worker has proved by a preponderance of the evidence that the requested additional allowance of **"RIGHT SCAPHOLUNATE DORSAL INTERCALATED SEGMENT INSTABILITY"** is a direct and proximate result of Injured Worker's 10/30/2018 industrial accident and orders that this condition is **GRANTED** based on the 12/02/2024 medical report from S.S. Purewal, M.D.

However, District Hearing Officer finds that Injured Worker has failed to prove by a preponderance of the evidence that the requested additional allowance of **"RIGHT DISTAL RADIOULNAR JOINT WIDENING"** is a direct and proximate result of Injured Worker's 10/30/2018 industrial accident and orders this condition is **DENIED** based on the 12/02/2024 medical report from Dr. Purewal.

All of the evidence was reviewed and considered in rendering this decision.

An IC-12 Notice of Appeal from this order may be filed within 14 days of the receipt of the order. The IC-12 Notice of Appeal may be filed online at www.ic.ohio.gov or the IC-12 Notice of Appeal may be sent to the Industrial Commission, Cambridge District Office 2130 E Wheeling Ave, Cambridge, OH 43725.

Typed By: kb
Date Typed: 01/22/2025

Kevin W. Bench
District Hearing Officer

Ohio Industrial Commission
RECORD OF PROCEEDINGS

Claim Number: 18-208336

Notice of Contested Claim: 12/11/2024

Findings Mailed: 01/24/2025

Electronically signed by
Kevin W. Bench

The parties and representatives listed below have been sent this record of proceedings. If you are not an authorized representative of one of the parties, please notify the Industrial Commission.

18-208336
Michael D. Palicka
68457 Chermon Rd
Bridgeport OH 43912-9719

ID No: 219048-90
Bainbridge Firm, LLC
900 Michigan Ave
Columbus OH 43215-1165

Risk No: 1773-0
United Dairy Inc
PO Box 280
Martins Ferry OH 43935-0280

ID No: 1648-80
K K S G & Associates
67 E Wilson Bridge Rd Ste 201
Worthington OH 43085-2338

ID No: 218961-80
Trident Risk
Attn Lauri Cochran
6480 Rockside Woods Blvd S Ste 350
Cleveland OH 44131-2224

ID No: 219394-80
Neace Lukens
423 N Main St Ste 100
Royal Oak MI 48067-1884

BWC, LAW DIRECTOR

NOTE: INJURED WORKERS, EMPLOYERS, AND THEIR AUTHORIZED REPRESENTATIVES MAY REVIEW THEIR ACTIVE CLAIMS INFORMATION THROUGH THE INDUSTRIAL COMMISSION WEB SITE AT www.ic.ohio.gov. ONCE ON THE HOME PAGE OF THE WEB SITE, PLEASE CLICK ICON AND FOLLOW THE INSTRUCTIONS FOR OBTAINING A PASSWORD. ONCE YOU HAVE OBTAINED A PASSWORD, YOU SHOULD BE ABLE TO ACCESS YOUR ACTIVE CLAIM(S).

Exhibit B

Claims Heard: 18-208336

Risk Number: 1773-0

Ohio Industrial Commission
RECORD OF PROCEEDINGS

Claim Number: 18-208336

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Typed By: tlh
Date Typed: 03/27/2025

Gary Frame
Staff Hearing Officer

Findings Mailed: 03/29/2025

Electronically signed by
Gary Frame

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RECORD OF PROCEEDINGS

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LT-ACC-OSIF-COV
PCN: 2243481 Michael D. Palicka

Claims Heard: 18-208336

MICHAEL D. PALICKA
68457 CHERMONT RD
BRIDGEPORT OH 43912-9719

Date of Injury: 10/30/2018

Risk Number: 1773-0

APPEAL filed by Injured Worker on 04/03/2025.

Issue: 1) Additional Allowance - DORSAL INTERCALATED SEGMENT INSTABILITY RIGHT
SCAPHOLUNATE

2) Additional Allowance - RIGHT DISTAL RADIOULNAR JOINT WIDENING

Pursuant to the authority of the Industrial Commission under R.C. 4123.511(E), it is ordered that the Injured Worker's appeal, filed 04/03/2025, from the Staff Hearing Officer order, issued 03/29/2025, be refused and that copies of this order be mailed to all interested parties.

ANY PARTY MAY APPEAL AN ORDER OF THE COMMISSION, OTHER THAN A DECISION AS TO EXTENT OF DISABILITY, TO THE COURT OF COMMON PLEAS WITHIN SIXTY (60) DAYS AFTER RECEIPT OF THE ORDER, SUBJECT TO THE LIMITATIONS CONTAINED IN R.C. 4123.512.

Typed By: as
Date Typed: 04/15/2025

Nicholas M. Varveris
Staff Hearing Officer

Findings Mailed: 04/17/2025

Electronically signed by
Nicholas M. Varveris

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