

Sean Hephner	:	Case No. _____
14228 W. Beecher Rd.	:	
Hudson, MI 49247	:	BWC Claim No. 23-139392
	:	
Plaintiff,	:	Notice of Appeal
	:	
vs.	:	
	:	
Altenloh Brinck & Co. US Inc.	:	
2105 County Road 12C	:	
Bryan, OH 43506	:	
	:	
and	:	
	:	
Administrator, Ohio Bureau of	:	
Workers' Compensation	:	
30 West Spring Street, 6th Floor	:	
Columbus, OH 43215	:	
	:	
Defendants.	:	

Now comes the Plaintiff, Sean Hephner, by and through counsel, pursuant to Section 4123.512 of the Ohio Revised Code and files his Notice of Appeal and hereby appeals the decision of the Staff Hearing Officer mailed March 20, 2025 (Attached as Exhibit A) where further appeal was refused by Order of the Industrial Commission of Ohio, mailed April 9, 2025 (Exhibit B).

Furthermore, pursuant to Section 4123.512 of the Ohio Revised Code, Plaintiff by and through counsel files her Notice of Appeal and hereby appeals the decision of the Staff Hearing Officer mailed March 20, 2025 (Exhibit C) where further appeal was refused by Order of the Industrial Commission of Ohio, mailed April 9, 2025 (Exhibit D).

The Plaintiff, Sean Hephner, states he is the claimant and Altenloh Brinck & Co. US Inc. is the employer with respect to this workers' compensation claim, which has been assigned claim number 23-139392 with a date of injury of May 10, 2023.

Respectfully submitted,

/S/ Lauren N. Osgood

Lauren N. Osgood (0085263) (Lead Counsel)

Jacob B. Brandt (0097639)

The Bainbridge Firm, LLC

900 Michigan Ave.

Columbus, Ohio 43215

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jbrandt@bainbridgefirm.com

Attorneys for Plaintiff,

Sean Hephner

REQUEST FOR SERVICE

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

Altenloh Brinck & Co. US Inc.
2105 County Road 12C
Bryan, OH 43506

and

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

/S/ Lauren N. Osgood

Lauren N. Osgood (0085263)

Jacob B. Brandt (0097639)

Ohio Industrial Commission

RECORD OF PROCEEDINGS

Exhibit A

Claim Number: 23-139392
LT-ACC-OSIF-COV
PCN: 2243521 Sean Hephner

Claims Heard: 23-139392

SEAN HEPHNER
14228 W BEECHER RD
HUDSON MI 49247-8205

Date of Injury: 5/10/2023

Risk Number: 1500089-0

This claim has been previously allowed for: **ACUTE LUMBAR STRAIN.**

DISALLOWED: RIGHT FORAMINAL DISC PROTRUSION L4-L5; ADJUSTMENT DISORDER WITH ANXIETY.

This matter was heard on 03/04/2025 before Staff Hearing Officer Julie Shaw pursuant to the provisions of R.C. Sections 4121.35(B) and 4123.511(D) on the following:

APPEAL of District Hearing Officer order from the hearing dated 01/13/2025, filed by Injured Worker on 01/29/2025.

Issue: 1) Additional Allowance - ADJUSTMENT DISORDER WITH ANXIETY

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 for the hearing:

APPEARANCE FOR THE INJURED WORKER: Mr. Hephner; Ms. Osgood

APPEARANCE FOR THE EMPLOYER: Ms. Kondalski

APPEARANCE FOR THE ADMINISTRATOR: No Appearance

The order of the District Hearing Officer, issued 01/16/2025, is affirmed.

It is the order of the Staff Hearing Officer the Injured Worker's C-86 Motion, filed 04/12/2024, is denied.

It is ordered this claim is **DISALLOWED** for: **ADJUSTMENT DISORDER WITH ANXIETY.**

In rendering this decision, the Staff Hearing Officer relies on the opinion by Michael Murphy, Ph.D., set forth in his report, dated 07/16/2024. The Staff Hearing Officer finds Dr. Murphy completed a review of records, administered psychological testing, completed a clinical interview and mental status examination of the Injured Worker which included his medical and psychological history, social history and personal history. Dr. Murphy noted the Injured Worker denied anxiety during the interview. Dr. Murphy opined the requested psychological condition was not substantiated.

Therefore, the Staff Hearing Officer finds insufficient persuasive medical evidence to support the condition is present.

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, Toledo District Office, One Government Center, Suite 1500, Toledo, OH 43604.

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Claim Number: 23-139392

Typed By: jc

Date Typed: 03/14/2025

Findings Mailed: 03/20/2025

Julie Shaw
Staff Hearing Officer

Electronically signed by
Julie Shaw

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.

23-139392
Sean Hephner
14228 W Beecher Rd
Hudson MI 49247-8205

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

Risk No: 1500089-0
Altenloh Brinck & Co US Inc
2105 County Road 12C
Bryan OH 43506-8301

ID No: 1788-80
Oma Workers Comp Svc
33 N High St Fl 6
Columbus OH 43215-3076

ID No: 219486-80
Ohio Group Management, LLC
PO Box 352230
Toledo OH 43635-2230

ID No: 1649-80
Eastman & Smith Ltd
PO Box 10032
Toledo OH 43699-0032

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).

Ohio Industrial Commission
RECORD OF PROCEEDINGS

Exhibit B

Claim Number: 23-139392
LT-ACC-OSIF-COV
PCN: 2243521 Sean Hephner

Claims Heard: 23-139392

SEAN HEPHNER
14228 W BEECHER RD
HUDSON MI 49247-8205

Date of Injury: 5/10/2023

Risk Number: 1500089-0

APPEAL filed by Injured Worker on 03/31/2025.
Issue: 1) Additional Allowance - ADJUSTMENT DISORDER WITH ANXIETY

Pursuant to the authority of the Industrial Commission under R.C. 4123.511(E), it is ordered that the Injured Worker's appeal, filed 03/31/2025, from the Staff Hearing Officer order, issued 03/20/2025, 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: kh
Date Typed: 04/07/2025

Findings Mailed: 04/09/2025

M. Tyack
Staff Hearing Officer

Electronically signed by
M. Tyack

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.

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Ohio Industrial Commission
RECORD OF PROCEEDINGS

Claim Number: 23-139392

ID No: 219486-80
Ohio Group Management, LLC
PO Box 352230
Toledo OH 43635-2230

ID No: 1649-80
Eastman & Smith Ltd
PO Box 10032
Toledo OH 43699-0032

BWC, LAW DIRECTOR

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Ohio Industrial Commission
RECORD OF PROCEEDINGS

Exhibit C

Claim Number: 23-139392
LT-ACC-OSIF-COV
PCN: 2240861 Sean Hephner

Claims Heard: 23-139392

SEAN HEPHNER
14228 W BEECHER RD
HUDSON MI 49247-8205

Date of Injury: 5/10/2023

Risk Number: 1500089-0

This claim has been previously allowed for: ACUTE LUMBAR STRAIN.

DISALLOWED: RIGHT FORAMINAL DISC PROTRUSION L4-L5; ADJUSTMENT DISORDER WITH ANXIETY.

This matter was heard on 03/04/2025 before Staff Hearing Officer Julie Shaw pursuant to the provisions of R.C. Sections 4121.35(B) and 4123.511(D) on the following:

APPEAL of District Hearing Officer order from the hearing dated 01/13/2025, filed by Injured Worker on 01/29/2025.

Issue: 1) Temporary Total Disability
2) Temporary Total Disability
3) Additional Allowance - RIGHT FORAMINAL DISC PROTRUSION L4-L5
4) Auth. Of Treatment/Diagnostic Testing, ADR # - 1003305581
5) Request For Consultation, ADR # - 1003305581

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 for the hearing:

APPEARANCE FOR THE INJURED WORKER: Mr. Hephner; Ms. Osgood
APPEARANCE FOR THE EMPLOYER: Ms. Kondalski
APPEARANCE FOR THE ADMINISTRATOR: No Appearance

The order of the District Hearing Officer, issued 01/16/2025, is modified.

Temporary total disability compensation is denied for a closed period, from 06/06/2023 through 11/29/2023.

The Staff Hearing Officer finds the Injured Worker received medical treatment on 05/10/2023 as documented in Emergency Department treatment note by Shereaf Walid, M.D. The Staff Hearing Officer finds Dr. Walid did not document work limitations related to the allowed condition. The Staff Hearing Officer finds the Injured Worker did not seek further medical treatment until nearly a month later on 06/06/2023 when he was evaluated by Brenda Hoops, CNP. NP Hoops provided restrictions and noted "Pt states he is no longer working at this facility and is not currently looking for another job[.]"

The Staff Hearing Officer finds the Employer submitted evidence on 09/13/2023, filed as "Emp Info, Employer notes from meetings," that supported the Injured Worker was informed his employment with the Employer was terminated as of 05/11/2023. The Staff Hearing Officer finds the Injured Worker completed C-84 Requests for Temporary Total Compensation, dated 06/08/2023, 07/17/2023, 08/21/2023 that noted he was told by the Employer on 05/11/2023 "not to come in any more."

The Staff Hearing Officer finds the treatment notes by NP Hoops, dated

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Claim Number: 23-139392

08/31/2023 and 10/05/2023, documented the Injured Worker was not working. The Staff Hearing Officer finds the treatment note by Richard Grieser, M.D., dated 11/30/2023, documented the Injured Worker reported his pain gradually resolved and he had been pain free for a couple weeks. Dr. Grieser noted the Injured Worker was able to perform his activities of daily living without discomfort. Dr. Grieser's physical examination findings were normal and he released the Injured Worker from care as his symptoms were resolved. Dr. Grieser completed a MEDCO-14, dated 11/30/2023 and documented the Injured Worker reached maximum medical improvement on 11/30/2023.

The Staff Hearing Officer finds on 06/06/2023 through 11/29/2023, the Injured Worker was not working as the direct result of reasons unrelated to the allowed injury and was not eligible to receive compensation.

It is the order of the Staff Hearing Officer the Injured Worker's C-86 Motion, filed 10/29/2024, is denied.

It is ordered this claim is **DISALLOWED** for: **RIGHT L4-5 FORAMINAL DISC PROTRUSION.**

In rendering this decision the Staff Hearing Officer relies on the opinion by Robert Whitehead, M.D., provided in the report, dated 11/02/2024. Dr. Whitehead completed a review of claim file documents and pointed out the condition was demonstrated on the MRI study completed 09/03/2024, more than one year after the work injury. Dr. Whitehead pointed out the clinical findings did not correlate to the MRI findings, noting the Injured worker's pain complaints were left-sided, without midline lumbar tenderness or right-sided symptoms. Dr. Whitehead opined the medical evidence failed to support a causal relationship between the requested condition and the work injury.

The Staff Hearing Officer finds the Injured Worker was examined by Aaron Fritz, D.O. on 12/12/2024. The Staff Hearing Officer finds Dr. Fritz reviewed claim file documents. Dr. Fritz agreed the Injured Worker has the requested condition and it was demonstrated on the MRI study, completed 09/03/2024. Dr. Fritz pointed out the Injured Worker's complaints have been left-sided which was not consistent with the requested condition, and the Injured Worker did not have radiculopathy associated with the requested condition. Dr. Fritz indicated the condition was a degenerative finding and not traumatic. Dr. Fritz opined the requested condition was not causally related to the work injury. Dr. Fritz further opined the allowed condition was resolved and further treatment was not reasonable or medically necessary.

Based upon the opinions by Dr. Whitehead and Dr. Fritz, the Staff Hearing Officer finds insufficient persuasive medical evidence to support the requested condition is causally related to the work injury on 05/10/2023.

It is further the order of the Staff Hearing Officer the Injured Worker's C-84 Request for Temporary Total Compensation, filed 03/22/2024, is denied.

Temporary total disability compensation is denied from 03/21/2024 through 03/04/2025.

The Staff Hearing Officer finds a gap in the medical documentation from 11/30/2023 until 03/07/2024. The Staff Hearing Officer finds the Injured Worker was evaluated by NP Hoops on 03/07/2024, who noted the Injured Worker was off work from 05/11/2023 until January, 2024 when he started working for a different employer. NP Hoops documented the Injured Worker reported he was stacking boxes and " * * * feels this has worsened his chronic injury pain." However, the Staff Hearing Officer finds the Injured Worker had physical therapy on 03/20/2024 and was assessed by Chas Frey, DPT, who documented the Injured Worker reported he had a similar pop in his back in December, 2023, as the work injury on 05/10/2023.

Additionally, the Staff Hearing Officer finds Dr. Grieser completed a MEDCO-14, dated 03/07/2024 that documented restrictions, and the Injured Worker was to follow up after he was halfway through physical therapy. The Staff Hearing

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RECORD OF PROCEEDINGS

Claim Number: 23-139392

Officer finds the physical therapy note by PT Frey on 03/20/2024 noted the Injured Worker was working full time with restrictions, but the physical therapy note, dated 03/25/2024, documented the Injured Worker reported he was not working due to being on restrictions. The Staff Hearing Officer finds the medical evidence supports the Injured Worker had no restriction from 11/23/2023 until 03/07/2024. The Staff Hearing Officer finds insufficient evidence to support the physical restrictions were changed from 03/07/2024 until the MEDCO-14, dated 04/08/2024. At today's hearing, the Injured Worker testified he believed he began working for a temporary agency on 01/05/2024 and was let go on 03/20/2024 because he had restrictions. The Staff Hearing Officer finds the Injured Worker's testimony inconsistent with the medical documentation.

The Staff Hearing Officer finds the Injured Worker was examined by Kent Soderstrum, M.D. on 06/12/2024. In addition to his examination, Dr. Soderstrum completed a review of claim file documents. Dr. Soderstrum opined the allowed condition was a self-limiting soft tissue injury that resolved. Dr. Soderstrum opined temporary total disability compensation was not supported beginning 03/21/2024 due to the allowed condition.

The Staff Hearing Officer finds a medical review completed by Sarita Salzberg, M.D. came to the same conclusion. The Staff Hearing Officer finds Dr. Salzberg completed a review of claim file documents and pointed out the allowed condition was self-limiting. Dr. Salzberg, in her report, dated 03/09/2024, opined payment of temporary total compensation based solely on the allowed condition was not supported, from 03/21/2024 to 04/29/2024.

Based on the foregoing, the Staff Hearing Officer finds insufficient persuasive medical evidence to support payment of temporary total disability compensation based solely on the allowed condition in the claim.

It is further ordered the C-9 Requests for Medical Service Reimbursement or Recommendation for Additional Conditions for Industrial Injury or Occupational Disease, both dated 10/10/2024, are denied as follows:

Authorization is denied for: chiropractic consultation one time; and EMG/NCV bilateral lower extremities, one time as requested by Nathan Hill, M.D.

The Staff Hearing Officer finds insufficient persuasive medical evidence to support the requested medical services are reasonably related and necessary for treatment of the allowed condition.

This finding is supported by the opinion provided by Dr. Fritz in his report, dated 12/12/2024, and the opinion provided by Kimberly Togliatti-Trickett, M.D., dated 10/20/2024.

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, Toledo District Office, One Government Center, Suite 1500, Toledo, OH 43604.

Typed By: jc

Date Typed: 03/14/2025

Findings Mailed: 03/20/2025

Julie Shaw
Staff Hearing Officer

Electronically signed by
Julie Shaw

Ohio Industrial Commission
RECORD OF PROCEEDINGS

Claim Number: 23-139392

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.

23-139392
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14228 W Beecher Rd
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BWC, LAW DIRECTOR

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RECORD OF PROCEEDINGS

Exhibit D

Claim Number: 23-139392
LT-ACC-OSIF-COV
PCN: 2240861 Sean Hephner

Claims Heard: 23-139392

SEAN HEPHNER
14228 W BEECHER RD
HUDSON MI 49247-8205

Date of Injury: 5/10/2023

Risk Number: 1500089-0

APPEAL filed by Injured Worker on 03/31/2025.
Issue: 1) Temporary Total Disability
2) Temporary Total Disability
3) Additional Allowance - RIGHT FORAMINAL DISC PROTRUSION L4-L5
4) Auth. Of Treatment/Diagnostic Testing, ADR # - 1003305581
5) Request For Consultation, ADR # - 1003305581

Pursuant to the authority of the Industrial Commission under R.C. 4123.511(E), it is ordered that the Injured Worker's appeal, filed 03/31/2025, from the Staff Hearing Officer order, issued 03/20/2025, 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: kh
Date Typed: 04/07/2025

M. Tyack
Staff Hearing Officer

Findings Mailed: 04/09/2025

Electronically signed by
M. Tyack

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.

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RECORD OF PROCEEDINGS

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