



Ohio Administrative Code Rule 123:1-33-08 Subsequent disability.

Effective: July 30, 2020

(A) A subsequent disability unrelated to a previous illness, injury, or condition shall be considered the same claim if it occurs while an employee is on an approved disability leave.

(B) A subsequent unrelated disability that occurs following a previously requested disability leave benefit period shall be considered a new claim. A new waiting period shall be served before the employee will be eligible to receive disability leave benefits.

(C) Except as provided in paragraph (F) of this rule, a related disability that occurs beyond six months of the employee's return to active work status shall be considered a new disability claim. A new waiting period shall be served before the employee will be eligible to receive disability leave benefits.

(D) Except as provided in paragraph (F) of this rule, a related disability that occurs before six months have passed since the employee's return to active work status shall be considered the same disability claim. Though a new waiting period shall not be served, benefits shall be payable from the first day of the subsequent disability provided the employee remains disabled and off work for at least fourteen consecutive calendar days. The rate of payment for a related disability shall be based on the rate of the original disability claim as stated in rule 123:1-33-05 of the Administrative Code.

(E) Except as provided in paragraph (F) of this rule, a subsequent related disability that occurs within six months of an employee's return to active work status and following a previously requested disability leave benefit that was filed before October 29, 2006 shall be considered a new claim. A new waiting period shall be served before the employee will be eligible to receive disability leave benefits.

(F) A subsequent related disability that occurs while the employee is participating in an authorized work program shall be considered the same disability. Though a new waiting period shall not be served, benefits shall be payable from the first day of the subsequent disability provided the



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DOCUMENT #250760

employee remains disabled and off work for at least fourteen consecutive calendar days. The rate of payment for a related disability shall be based on the rate of the original disability claim as stated in rule 123:1-33-05 of the Administrative Code.