

Ohio Industrial Commission
RECORD OF PROCEEDINGS

Claim Number: 19-134031

Medical, hospital, and funeral expenses are ordered to be paid in accordance with the rules and regulations of the Bureau of Workers' Compensation.

The Average Weekly Wage is set at \$1,720.65, based upon the wage information on file and the BWC Wage Calculation Worksheet, dated 05/20/2019.

Death benefits are to be paid at 66 2/3% of the Average Weekly Wage, not to exceed the Statewide Average Weekly Wage for the year of death. The weekly rate will not be less than 50% of the Statewide Average Weekly Wage for the year of death.

It is found the following people were wholly dependent on the Decedent for support at the time of death, and are collectively entitled to benefits in the amount of \$950.00 per week, which is apportioned as follows:

Amanda Carpenter, born on 09/17/1988, the Decedent's partner and fiancée, is to receive \$316.67 per week;

Hunter R. McDonald, born on 10/04/2011, the Decedent's child, is to receive \$316.67 per week, and this payment is to be made in the care of Amanda Carpenter, his mother;

Aubrey E. McDonald, born on 02/29/2016, the Decedent's child, is to receive \$316.67 per week, and this payment is to be made in the care of Amanda Carpenter, her mother.

In *McDonald, supra*, the Court held that marital status is not determinative of whether a person is eligible to receive death benefits under R.C. 4123.59(D). The question, rather, is whether the person is a "member of the family of the deceased employee." The Court indicated that R.C. 4123.95, calling for liberal construction "in favor of employees and the dependents of employees", pertains to that determination.

In awarding benefits to Ms. Carpenter, the Commission finds that although she was not married to the Decedent, she was a member of his family at the time of his death, and that she was wholly dependent on him for support.

In support of these findings, the Commission finds the Decedent and Ms. Carpenter began residing together in 2009, first in apartments and then in a jointly owned home; the couple became engaged to be married in late 2010, exchanging rings which they wore; the couple parented and raised two children who resided with them in their home; the Decedent and Ms. Carpenter each had a life insurance policy naming the other as sole beneficiary; the Decedent and Ms. Carpenter were jointly liable for their home mortgage, as well as for vehicle payments and multiple credit card accounts. The Decedent was the primary earner for the household, with Ms. Carpenter caring for the children and working an average of eight hours per week outside the home; and per Ms. Carpenter, the couple had every intention of being married if not for the fatal injury. The Commission relies upon Ms. Carpenter's affidavit, dated 04/22/2019, and her testimony at hearing.

Payment of Ms. Carpenter's share is to continue without suspension unless future facts and circumstances warrant the stopping of the award. In the event Ms. Carpenter marries, it is ordered she notify the Bureau of Workers' Compensation of the date of the marriage, at which time a supplemental order will be published awarding her a final lump sum payment as provided by R.C. 4123.59. When applicable, the amount of Ms. Carpenter's weekly award will be reapportioned to the minor children.

Payment of each minor child's share of benefits will continue until the child reaches the age of 18 years. It is ordered the child or guardian notify the Bureau of Workers' Compensation at that time. If the child enrolls as a full-time student in an accredited educational institution, payment of benefits

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Christopher R. McDonald
c/o Aubrey E. McDonald, Child
6520 Wilson Ln
Nashport OH 43830-9697

19-134031
Christopher R. McDonald
c/o Amanda Carpenter, Other
6520 Wilson Ln
Nashport OH 43830-9697

Risk No: 925649-0
J & J Schlaegel Inc
1250 E US Highway 36
Urbana OH 43078-8002

ID No: 900-80
Sedgwick Claims Management Services
PO Box 884
Dublin OH 43017-6884

ID No: 20752-91
Kegler Brown Hill & Ritter
65 E State St Ste 1800
Columbus OH 43215-4294

ID No: 219689-91
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200 Public Sq Ste 2800
Cleveland OH 44114-2303

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BWC, Law - Columbus
Attn: Director Of Legal Operations
30 W Spring St # L-26
Columbus OH 43215-2216

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).
