

October 12, 2013 /**24-7PressRelease**/ -- Ohio Supreme Court Rules for Youngstown Man

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The Ohio Supreme Court recently decided a case that may expand workers' rights to bring suit against former employers alleging they were terminated for filing too many workers' compensation claims.

In Lawrence v. City of Youngstown, the Court was asked to determine whether a worker's written notice of intent to file suit against his employer was timely under Ohio law. Section 4123.90 of Ohio law prohibits employers from terminating employees for bringing legitimate workers' compensation claims. The law requires, however, that a worker filing suit for retaliation provide his employer with written notice of his intent to file suit within 90 days immediately following his discharge.

On January 7, 2007, the Youngstown Street Department suspended Keith Lawrence with pay. The city then sent Lawrence a letter, dated January 9, 2007, informing him that he was terminated effective the date of the letter. Lawrence did not learn that he had been fired, however, until February 19. Lawrence provided the city with his written notice of intent to file suit on April 17, 2007 - more than 90 days after January 9, but fewer than 60 days after he learned of his termination.

The trial court ruled for the city, reasoning that Lawrence had not provided his written notice within 90 days as required by the statute. The Ohio Supreme Court, however, disagreed.

The Court examined the language of 4123.90 and found that it requires a worker to send written notice "within 90 days immediately following the discharge," but not "notice of the discharge." In most cases, the day of discharge and the day when the employee is notified of his discharge are the same. In this case, however, Lawrence was not aware that he had been fired until weeks after the discharge letter was sent. According to the Court, the language of the statute is clear: the 90-day notification period begins on the day when an employee actually learns that he has been fired. The Court's decision allows Lawrence's case to continue.

The rule in Lawrence may not come up in many cases, but it does provide some measure of

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Written by Australian Business

protection for workers with possible retaliation suits. If nothing else, employers will now have to implement safeguards to ensure that workers receive immediate notice of their termination.

Contact a Workers' Compensation Attorney

If you or someone you love has been injured at work, contact an experienced workers' compensation attorney. A knowledgeable workers' compensation lawyer can assess your case and help you get the benefits you deserve. For more information, contact a workers' compensation attorney today.