



Apr 10, 2026

**Categories:**  
[Publications](#)

**Authors:**  
[Julie M. Bruns](#)  
[Joanne Wissman Glass](#)  
[Noel C. Shepard](#)

# The Ever-Changing Landscape of TTD Termination and Overpayments for Ohio Workers' Compensation Claims

---

In a decision closely followed for its impact on workers' compensation claims, the Tenth District Court of Appeals in *State ex rel. Kurtz v. Indus. Comm.*, 2026-Ohio-824, addressed two issues: the timing for termination of temporary total disability (TTD) compensation with a finding of maximum medical improvement (MMI); and how the recoupment process can occur when an overpayment of TTD compensation occurs. In recent years, Employers and the Ohio Bureau of Workers' Compensation (BWC) followed the Ohio Supreme Court's 2024 ruling in *State ex rel. Dillon v. Indus. Comm.*, 2024-Ohio-744. The *Dillon* Court allowed for termination of TTD compensation based on a doctor's finding of MMI and an overpayment of compensation.

The *Kurtz* Court initially addressed the timing for termination of TTD compensation and agreed with the Ohio Supreme Court's *Dillon* decision. For many years, the MMI finding did not occur until the Ohio Industrial Commission's hearing date. In 2024, the *Dillon* decision established the termination date for MMI was the date of the physician's report. The *Kurtz* Court reiterated the *Dillon* Court's holding.

Addressing the recoupment process, the *Kurtz* Court re-examined R.C. 4123.511(K) — the statutory source for processing overpayments. Interpreting that statute, the *Kurtz* Court limited the process of recouping the overpayment of TTD compensation with a MMI finding. Under *Dillon*, the Ohio Supreme Court, applying R.C. 4123.511(K), allowed for the full recoupment of the overpayment of TTD compensation after the doctor's MMI finding. This overpayment could amount to several weeks or months of TTD compensation depending on the period between the date of the physician's report and the Hearing Officer's hearing. Interpreting R.C. 4123.511(K), the

*Kurtz* Court concluded that, in only limited circumstances, would the full recoupment apply in what it described as a “straight-line appeal.” A straight-line appeal occurs when: a District Hearing Order (DHO) grants an initial request for TTD compensation; the Employer administratively appeals the award to a staff-level hearing; and the Staff Hearing Order (SHO) reverses the award on appeal and declares an overpayment. A straight-line appeal did not occur in *Kurtz* because that case involved a DHO and SHO granting a motion to terminate ongoing TTD. Citing R.C. 4123.511(K), the *Kurtz* Court reasoned the plain language of the statute limits its application to “a very specific situation: when ‘a claimant is found to have received compensation pursuant to a prior order which is reversed upon subsequent appeal.’” Because *Kurtz*’s claim did not match those facts, the Court further evaluated overpayments based on the plain language of R.C. 4123.511(K). Accordingly, the *Kurtz* Court concluded R.C. 4123.511(K) applies only to recoupment of overpayments that result from a straight-line appeal, as opposed to Ohio Industrial Commission orders terminating TTD from a motion filed by the Employer or the Ohio BWC.

## Next Steps

Employers should continue to file motions seeking the critical MMI finding with a doctor’s favorable IME report in order to terminate TTD compensation in claims. The *Kurtz* decision unmistakably upholds this key finding from the Ohio Supreme Court’s *Dillon* decision. However, the *Kurtz* Court clarified Employers cannot recoup TTD compensation overpayments under R.C. 4123.511(K) between the filing of the motion for MMI and the hearing date, as they previously were permitted to do. To the contrary, the full recoupment of an overpayment only would apply if an Order awarding TTD compensation is later reversed and MMI is found. In situations involving a motion to terminate TTD compensation based on a favorable IME report, the Employer and the Ohio BWC will have to rely on other statutory provisions to recoup a percentage of the overpayment from future compensation awards (to the extent there are future compensation awards to apply this overpayment).

**Cautionary note:** The impact of the *Kurtz* decision could be temporary. It can be appealed by either party, and the Ohio

Supreme Court could ultimately revisit both issues.

If you have any questions about the impact of the *Kurtz* decision on Ohio workers' compensation claims, please contact the authors or any attorney with our [Labor and Employment](#) practice.

© 2026 FBT Gibbons LLP. May be considered attorney advertising in some jurisdictions.