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Authors:

[Julie M. Bruns](#)

[Joanne Wissman Glass](#)

[Noel C. Shepard](#)

Ohio Supreme Court Overrules Well-Established Case Law on TTD Compensation and Voluntary Abandonment for Ohio Workers' Compensation Claims

The Supreme Court of Ohio has recently decided that a workers' compensation claimant is no longer eligible for temporary-total-disability (TTD) compensation when he voluntarily removes himself from his former position of employment, even if he remains disabled at the time of his separation from employment. In *State ex rel. Klein v. Precision Excavating & Grading Company, et al.*, the claimant provided his two-weeks' notice and told multiple coworkers he was moving to Florida. Several days later, he suffered a work-related injury and was temporarily unable to return to his former position of employment. The Supreme Court of Ohio found that Klein had voluntarily abandoned his former position of employment and was therefore ineligible to receive TTD compensation.

In its decision, the Court specifically overruled prior cases in which a claimant who voluntarily abandoned his job was still eligible for TTD compensation, even if he was disabled at the time of the voluntary abandonment.

The Court focused on the purpose of TTD compensation: to replace lost earnings during a period of disability while an injury heals. Thus, **in order to receive TTD compensation, a claimant must show that he or she lost earnings as a result of the work-related injury.** In analyzing the specific facts of the claim, the Court determined that the claimant's own actions, and not his workplace injury, prevented his return to his former position of employment.

This new decision shifts the arguments in favor of the employer when an employee requests TTD compensation yet has voluntarily abandoned his employment. The analysis will no longer involve whether the employee was disabled at the time of his/her separation from employment.

If you have questions about this or any workers' compensation matter, please contact [Elise Elam](#) or any other attorney on Frost Brown Todd's [Workers' Compensation Service Team](#), including [Julie Bruns](#), [Joanne Glass](#), and [Noel Shepard](#).

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