



Brian P. Perry

Partner
brian.perry@dinsmore.com

Cincinnati, OH
Tel: (513) 977-8107

Brian has been certified by the Ohio State Bar Association as a specialist in the practice of Ohio workers' compensation law. He represents and advises both state fund and self-insured employers on workers' compensation and disability management matters, including not only workers' compensation claims, but also allegations of violations of specific safety requirements (VSSRs), employment intentional tort and retaliatory discharge. His practice includes representation before administrative agencies, including the Ohio Bureau of Workers' Compensation and the Industrial Commission of Ohio, as well as Courts of Common Pleas, Courts of Appeal and the Ohio Supreme Court.

He earned his B.A. from the University of Cincinnati and his law degree from the University of Cincinnati College of Law. He is a member of the Ohio State Bar Association and the Cincinnati Bar Association, where he is a member and past chair of the Workers' Compensation Committee. He is a frequent author and speaker on Ohio workers' compensation issues and has also been recognized by both Ohio *Super Lawyers*® and *Best Lawyers*® for workers' compensation law.

Services

- Labor
- Workers' Compensation

Education

- University of Cincinnati College of Law (J.D., 1993)
- University of Cincinnati (B.A., *magna cum laude*, 1990)
 - with high departmental honors

Bar Admissions

- Ohio

Court Admissions

- U.S. District Court for the Southern District of Ohio

Affiliations/Memberships

- Ohio State Bar Association
- Cincinnati Bar Association, Workers' Compensation Committee, past chair
- St. Nicholas Academy, Steering Committee (2006 - 2007)
- St. Nicholas Academy, board member (2007 - 2012)

Distinctions

- Board Certified in Workers' Compensation law by the Ohio State Bar Association Workers' Compensation Specialty Board
- Ohio *Super Lawyers*®
 - For Workers' Compensation (2021)
- *Best Lawyers*®
 - "Lawyer of the Year" in Cincinnati for Workers' Compensation Law - Employers (2021)
 - Workers' Compensation Law -- Employers (2021-2024)

Experience

State, ex rel. Paysource USA v. Industrial Commission of Ohio

Our firm represented the Employer in State, ex rel. Paysource USA v. Industrial Commission of Ohio, which was decided by the 10th District Court of Appeals on June 30, 2009. In its decision, the Court found in favor of our client, ruling that the Claimant was not entitled to temporary total compensation due to the fact that he had abandoned the workforce when he was terminated for having violated the Employer's Drug Free Workplace policy. Previously caselaw had held that an employee who was already disabled from a work-related injury did not have the ability to abandon the workforce, and would therefore be entitled to temporary total. In our case, it was argued that since the Claimant had been terminated based upon a positive post-accident drug screen, he was already disabled by the time of the termination, and the Industrial Commission had awarded the Claimant temporary total. On the Employer's appeal, however, the Court of Appeals reversed, agreeing with our contention that the Claimant had effectively abandoned the workforce at the time he used the illegal drugs, despite the fact that his usage was not discovered until after the injury.

Publications

May 11, 2020

Ohio House Bill 197 Passed: What This Means for Workers' Compensation

October 18, 2018

The Ohio Supreme Court Expands and Clarifies the Voluntary Abandonment Doctrine

June 20, 2017

When Are Idiopathic Injuries Compensable?

May 22, 2017

Ohio Workers' Compensation: Pre-Existing Conditions and the Right to Participate