



for the Commission to reconsider its initial decision. The Commission conducted a thorough review of the evidence and considered the arguments of the parties prior to rendering its original decision. Defendants provide no legal or factual basis for the Commission to reexamine those same factors again. Furthermore, an award of attorney fees pursuant to Idaho Code § 72-804 is proper when an employer or his surety contests a claim for compensation without reasonable grounds or neglects or refuses within a reasonable time to pay the injured employee without reasonable grounds. Application of the statute does not turn on whether payment is made prior to a hearing on the matter.

Accordingly, Defendants' Motion for Reconsideration should be, and is hereby, DENIED.

DATED this \_\_24th\_ day of \_\_\_June\_\_\_\_\_, 2005.

INDUSTRIAL COMMISSION

\_\_\_\_\_  
Thomas E. Limbaugh, Chairman

\_\_\_\_\_  
/s/ \_\_\_\_\_  
James F. Kile, Commissioner

\_\_\_\_\_  
/s/ \_\_\_\_\_  
R.D. Maynard, Commissioner

ATTEST:

\_\_\_\_\_  
/s/ \_\_\_\_\_  
Assistant Commission Secretary

**CERTIFICATE OF SERVICE**

I hereby certify that on the 24<sup>th</sup> day of June, 2005 a true and correct copy of the foregoing **ORDER DENYING RECONSIDERATION** was served by regular United States Mail upon each of the following persons:

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COEUR D'ALENE ID 83814

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kas

\_\_\_\_\_/s/\_\_\_\_\_