

surety's willingness to cover such independent contractors. Idaho Code § 72-229 plainly estopps Defendants from arguing coverage is more limited.

(Emphasis added). The Commission goes on to analyze the compensability of Claimant's claim for benefits as if he were an employee for purposes of equity. Therefore, Defendants argument that the Commission found Claimant to be an employee is misplaced.

Once the Commission established that, for purposes of determining compensability, Claimant should be treated "on an equal footing with any other employee," an analysis of the traveling employee doctrine was necessary. "When an employee's work requires him/her to travel away from the employer's premises, he/she will be held to be within the course and scope of his/her employment continuously during the trip, except when a distinct departure for personal business occurs." *Kirkpatrick v. Transtector Systems*, 114 Idaho 559, 562, 759 P.2d 65, 68 (1988). If the work of the employee creates the necessity for travel, he is in the course of his employment, though he may be serving at the same time some purpose of his own. *See, Reinstein v. McGregor Land and Livestock, Co.*, 126 Idaho 156, 879 P.2d 1089 (1994). The Commission determined that, based on the particular facts of this case, Claimant's delivery of leftover parts to a shed in Middleton was reasonably related to the job functions he was hired to perform for Employer. The Commission's decision is fully supported by the record.

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

DATED this 15 day of July, 2005.

INDUSTRIAL COMMISSION

/s/ _____
Thomas E. Limbaugh, Chairman

James F. Kile, Commissioner

/s/
R.D. Maynard, Commissioner

ATTEST:

/s/
Assistant Commission Secretary

CERTIFICATE OF SERVICE

I hereby certify that on the _15th day of __July_____, 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:

RICHARD S. OWEN
P.O. Box 278
Nampa, ID 83653

MAX M. SHEILS, JR.
P.O. Box 388
Boise, ID 83701

kas

/s/