



## **FINDINGS OF FACT**

1. Claimant suffered a finger laceration working with sheet metal within the course and scope of his employment with Employer. The accident occurred on April 30, 2003.

2. Reasonable medical treatment was provided. The charges for reasonable medical treatment amounted to \$557.42.

3. Employer failed to obtain a policy of workers' compensation insurance as required by law. The 10% penalty applies.

4. Employer unreasonably failed or refused to pay for the reasonable medical treatment required as a result of the industrial accident.

5. The charges for reasonable medical treatment were eventually assigned to a collection agency which filed a collections action against Claimant. Claimant incurred additional costs in defending this action against him. Such costs amounted to \$646.00.

## **DISCUSSION AND FURTHER FINDINGS**

6. The record provided by Claimant in this matter establishes his entitlement to medical benefits in the amount of \$557.42.

7. The record provided establishes Employer is subject to the attorney fee provisions of Idaho Code §§ 72-210 and/or 72-804. Pursuant to IDAPA 02.08.33.01(e)(i), Claimant should be awarded attorney fees in the amount of \$139.76.

8. The record provided establishes Claimant incurred costs in the amount of \$646.00 as a result Employer's uninsured status and refusal to pay Claimant's medical bills.

## **CONCLUSIONS OF LAW**

1. Claimant is entitled to an award of \$557.42 for medical care benefits.

2. Claimant is entitled to an award of \$139.76 for attorney fees.

3. Claimant is entitled to an award of costs in the amount of \$646.00.
4. Claimant is entitled to a penalty award in the amount of \$55.74.

**RECOMMENDATION**

The Referee recommends that the Commission adopt the foregoing Findings of Fact and Conclusions of Law as its own and issue an appropriate final order.

DATED this 3<sup>RD</sup> day of NOVEMBER, 2005.

INDUSTRIAL COMMISSION

/S/ \_\_\_\_\_  
Douglas A. Donohue, Referee

ATTEST:

/S/ \_\_\_\_\_  
Assistant Commission Secretary

**CERTIFICATE OF SERVICE**

I hereby certify that on the 23<sup>RD</sup> day of NOVEMBER, 2005, a true and correct copy of the foregoing **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION** was served by regular United States Mail upon each of the following:

Christ T. Troupis  
P.O. Box 467  
Weiser, ID 83672

Michael T. Hamlin  
dba Franchise Roofing, Inc.  
P.O. Box 93  
Kuna, ID 83634-0093

db

/S/ \_\_\_\_\_

**BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO**

JEREMY C. MAW,	)	
	)	
Claimant	)	<b>IC 03-014590</b>
v.	)	
	)	
MICHAEL T. HAMLIN, dba	)	<b>ORDER</b>
FRANCHISE ROOFING, INC.,	)	
	)	
Employer,	)	FILED NOV 23 2005
Defendant.	)	
_____	)	

Pursuant to Idaho Code § 72-717, Referee Douglas A. Donohue submitted the record in the above-entitled matter, together with his proposed findings of fact and conclusions of law to the members of the Industrial Commission for their review. Each of the undersigned Commissioners has reviewed the record and the recommendations of the Referee. The Commission concurs with these recommendations. Therefore, the Commission approves, confirms, and adopts the Referee's proposed findings of fact and conclusions of law as its own.

Based upon the foregoing reasons, IT IS HEREBY ORDERED that:

1. Claimant is entitled to an award of \$557.42 for medical care benefits.
2. Claimant is entitled to an award of \$139.76 for attorney fees.
3. Claimant is entitled to an award of costs in the amount of \$646.00.
4. Claimant is entitled to a penalty award in the amount of \$55.74.

5. Pursuant to Idaho Code § 72-718, this decision is final and conclusive as to all issues adjudicated.

DATED this 23<sup>RD</sup> day of NOVEMBER, 2005.

INDUSTRIAL COMMISSION

/S/ \_\_\_\_\_  
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 23<sup>RD</sup> day of NOVEMBER, 2005, a true and correct copy of the foregoing **ORDER** was served by regular United States Mail upon each of the following:

Christ T. Troupis  
P.O. Box 467  
Weiser, ID 83672

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