

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

JOHN WICHTERMAN, )  
 )  
 Claimant, )  
 )  
 v. )  
 )  
 J.H. KELLY, INC., )  
 )  
 Employer, )  
 )  
 and )  
 )  
 RELIANCE NATIONAL INDEMNITY )  
 COMPANY, )  
 )  
 Surety, )  
 Defendants. )  
 \_\_\_\_\_ )

**IC 99-032770**

**ORDER DENYING  
RECONSIDERATION**

Filed Dec. 23, 2005

On November 14, 2005, Claimant filed a letter asking for reconsideration of the Commission’s October 24, 2005, decision in the above-referenced case. Claimant asserts that he misunderstood and was misinformed about the adjudication of his workers’ compensation claim. Defendants respond that Claimant was adequately advised of the Commission’s rules and procedures. They argue that not only is Claimant’s motion for reconsideration untimely, but also that it raises no issues that were not already considered in the Commission’s October 24 decision. Claimant’s reply was a photocopy of his initial letter requesting reconsideration.

First, for purposes of clarification, Claimant’s motion was timely filed with the Commission.

Whenever statute, these or other rules or notice requires an act to be done within a certain number of days of a given day, the given day is not included in the count. If the day the act must be done is Saturday, Sunday or a legal holiday, the act may be done on the first day following that is not Saturday, Sunday or a legal holiday.

IDAPA 17.01.01.056. Claimant's 20-day filing deadline fell on November 13 – a Sunday. Therefore, Claimant had until Monday, November 14, to timely file his motion for reconsideration.

Although timely, Claimant's motion presents no new evidence or arguments that would provide a basis 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. Claimant provides no legal or factual basis for the Commission to reexamine those same factors again. The Commission's decision is fully supported by the record.

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

DATED this 23rd day of December, 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 the \_\_23<sup>rd</sup>\_\_ day of December, 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:

JOHN C WICHTERMAN  
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THOMAS P BASKIN  
PO BOX 6756  
BOISE ID 83707-6756

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