

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

VEALTON G. TEAL,)
)
Claimant,)
v.)
)
DOUBLE C FARMS,)
)
Employer,)
and)
)
FREMONT INDUSTRIAL INDEMNITY, Surety,)
and IDAHO INSURANCE GUARANTY)
ASSOCIATION, Party of Interest,)
)
and)
)
STATE OF IDAHO, INDUSTRIAL)
SPECIAL INDEMNITY FUND,)
)
Surety,)
Defendants.)
_____)

IC 98-012204

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND RECOMMENDATION**

FILED FEB 9 2006

INTRODUCTION

Pursuant to Idaho Code § 72-506, the Commission assigned this matter to Referee Douglas A. Donohue. In lieu of hearing, the parties submitted a Stipulation for Dismissal of the State of Idaho, Industrial Special Indemnity Fund. Further, Defendant Employer/Surety filed a Stipulation for Entry of Judgment. Claimant has raised no objection to this Defendant consenting to an order against them.

ISSUES

Pursuant to the two pleadings, the issues are whether Claimant is totally permanently disabled and whether ISIF should be dismissed without prejudice.

CONTENTIONS OF THE PARTIES

Defendant Employer/Surety submits without objection by Claimant that Claimant is totally and permanently disabled. The parties agree that ISIF should be dismissed from further

proceedings without prejudice.

EVIDENCE CONSIDERED

The record in the instant case consists of the legal file of this matter, including the stipulations and an affidavit by counsel of Employer.

FINDINGS OF FACT

1. Claimant is totally and permanently disabled.
2. ISIF should be dismissed without prejudice.

CONCLUSIONS OF LAW

1. Claimant is totally and permanently disabled;
2. ISIF should be dismissed without prejudice.

RECOMMENDATION

The Referee recommends that the Commission adopt the foregoing findings of fact and conclusions of law and issue an appropriate final order.

DATED this 26TH day of January, 2006.

INDUSTRIAL COMMISSION

/S/ _____
Douglas A. Donohue, Referee

ATTEST:

/S/ _____
Assistant Commission Secretary

CERTIFICATE OF SERVICE

I hereby certify that on the 9TH day of FEBRUARY, 2006, 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:

R. Jeffrey Stoker
P.O. Box 1597
Twin Falls, ID 83303-1597

Glenna M. Christensen
P.O. Box 829
Boise, ID 83701

Thomas B. High
Anthony M. Valdez
P.O. Box 366
Twin Falls, ID 83303-0366

db

/S/ _____

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

VEALTON G. TEAL,)
)
 Claimant,)
 v.)
)
 DOUBLE C FARMS,)
)
 Employer,)
 and)
)
 FREMONT INDUSTRIAL INDEMNITY, Surety,)
 and IDAHO INSURANCE GUARANTY)
 ASSOCIATION, Party of Interest,)
)
 and)
)
 STATE OF IDAHO, INDUSTRIAL)
 SPECIAL INDEMNITY FUND,)
)
 Surety,)
 Defendants.)
 _____)

IC 98-012204

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND RECOMMENDATION**

FILED FEB 9 2006

INTRODUCTION

Pursuant to Idaho Code § 72-506, the Commission assigned this matter to Referee Douglas A. Donohue. In lieu of hearing, the parties submitted a Stipulation for Dismissal of the State of Idaho, Industrial Special Indemnity Fund. Further, Defendant Employer/Surety filed a Stipulation for Entry of Judgment. Claimant has raised no objection to this Defendant consenting to an order against them.

ISSUES

Pursuant to the two pleadings, the issues are whether Claimant is totally permanently disabled and whether ISIF should be dismissed without prejudice.

CONTENTIONS OF THE PARTIES

Defendant Employer/Surety submits without objection by Claimant that Claimant is totally and permanently disabled. The parties agree that ISIF should be dismissed from further

proceedings without prejudice.

EVIDENCE CONSIDERED

The record in the instant case consists of the legal file of this matter, including the stipulations and an affidavit by counsel of Employer.

FINDINGS OF FACT

1. Claimant is totally and permanently disabled.
2. ISIF should be dismissed without prejudice.

CONCLUSIONS OF LAW

1. Claimant is totally and permanently disabled;
2. ISIF should be dismissed without prejudice.

RECOMMENDATION

The Referee recommends that the Commission adopt the foregoing findings of fact and conclusions of law and issue an appropriate final order.

DATED this 26TH day of January, 2006.

INDUSTRIAL COMMISSION

/S/ _____
Douglas A. Donohue, Referee

ATTEST:

/S/ _____
Assistant Commission Secretary

CERTIFICATE OF SERVICE

I hereby certify that on the 9TH day of FEBRUARY, 2006, 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:

R. Jeffrey Stoker
P.O. Box 1597
Twin Falls, ID 83303-1597

Glenna M. Christensen
P.O. Box 829
Boise, ID 83701

Thomas B. High
Anthony M. Valdez
P.O. Box 366
Twin Falls, ID 83303-0366

db

/S/ _____