

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

WANDA FOX,)
)
Claimant,)
v.)
)
EXTENDED HEALTH SERVICES dba)
LACROSSE HEALTH AND)
REHABILITATION CENTER,)
)
Employer,)
and)
)
ZURICH AMERICAN INSURANCE COMPANY,)
)
Surety,)
Defendants.)
_____)

IC 05-010373

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

FILED AUG 30 2006

INTRODUCTION

Pursuant to Idaho Code § 72-506, the Idaho Industrial Commission assigned this matter to Referee Douglas A. Donohue. He conducted a hearing in Coeur d’Alene on August, 14, 2006. Claimant, acting *pro se*, did not appear. Glenna M. Christensen represented Defendants. Upon Claimant’s failure to attend the hearing, Defendants moved to dismiss.

FINDINGS OF FACT

1. Claimant was an Idaho resident, living and working in Coeur d’Alene, Idaho at the time of her alleged accident.
2. After the date of the alleged accident, Claimant moved to Camp Verde, Arizona.
3. A pre-trial telephone conference was held. Claimant expressed reluctance to travel to Idaho for the hearing. She identified travel expense as the primary reason for her reluctance, but identified other factors as well.
4. The Referee informed Claimant that she must physically appear at hearing

to prosecute her case. The hearing date was vacated and reset to accommodate Claimant. Claimant represented in the pre-trial telephone conference that she would attend the hearing.

5. The Referee sent follow-up correspondence to the parties informing Claimant that she should contact either Defendants or the Industrial Commission no later than August 10, 2006, if she decided not to attend the hearing.

6. Claimant did not contact Defendants or the Industrial Commission as directed by the Referee's correspondence. Claimant did not appear for the hearing.

7. Defendants and the Industrial Commission incurred costs to attend the hearing.

8. Claimant had adequate notice of the date, time, and place of the hearing.

9. Defendants' motion to dismiss is proper.

10. Claimant failed to show she was entitled to any benefits under the Idaho Worker's Compensation Law. Claimant's claim should be dismissed with prejudice.

CONCLUSIONS OF LAW

1. Claimant failed to show she was entitled to any benefits under the Idaho Worker's Compensation Law.

2. Claimant's claim should be dismissed with prejudice.

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 18TH day of August, 2006.

INDUSTRIAL COMMISSION

/S/ _____
Douglas A. Donohue, Referee

ATTEST:

/S/ _____
Assistant Commission Secretary

CERTIFICATE OF SERVICE

I hereby certify that on the 30TH day of AUGUST, 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:

Wanda Fox
P.O. Box 1856
Camp Verde, AZ 86322

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

db

/S/_____

3. Pursuant to Idaho Code § 72-718, this decision is final and conclusive as to the issue adjudicated.

DATED this 30TH day of AUGUST, 2006.

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 30TH day of AUGUST, 2006, a true and correct copy of the foregoing **ORDER** was served by regular United States Mail upon each of the following:

Wanda Fox
P.O. Box 1856
Camp Verde, AZ 86322

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

db

/S/ _____