

denial of surgery, still failed to establish a reasonable factual basis to deny the surgery recommended by Claimant's treating physician.

It is clear from the order the Commission was not persuaded that Defendants' reason for denying surgery had a factually justified basis. The Commission correctly ruled that the denial of such medical care was unreasonable. As a result, attorney fees should be assessed against Defendants.

For the above reasons, Defendants' Motion To Reconsider is hereby DENIED.

DATED this 31st day of January 2007.

INDUSTRIAL COMMISSION

/s/ _____
James F. Kile, Chairman

/s/ _____
R. D. Maynard, Commissioner

/s/ _____
Thomas E. Limbaugh, Commissioner

ATTEST:

/s/ _____
Assistant Commission Secretary

CERTIFICATE OF SERVICE

I hereby certify that on this ___31st of _____January_____2007, a true and correct copy of the foregoing **ORDER DENYING RECONSIDERATION** was served by regular United States Mail upon each of the following:

RICHARD K DREDGE
PO BOX 9499
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W BENJAMIN SLAUGHTER III
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_____/s/_____