

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

MATTHEW OSTERHOUDT,	)	
	)	
Claimant,	)	<b>IC 2001-520365</b>
	)	
v.	)	
	)	
QUALITY TRUSS & LUMBER, INC.,	)	<b>FINDINGS OF FACT,</b>
	)	<b>CONCLUSIONS OF LAW,</b>
	)	<b>AND RECOMMENDATION</b>
Employer,	)	
	)	
and	)	
	)	
IDAHO STATE INSURANCE FUND,	)	Filed October 15, 2007
	)	
Surety,	)	
	)	
Defendants.	)	
_____	)	

**INTRODUCTION**

The first hearing in the above-entitled matter was held on September 2, 2004. The Commission issued its decision on September 6, 2005, finding that Claimant, Matthew Osterhoudt, injured his lumbar spine in a work-related accident on November 30, 2001, and was entitled to treatment, including diagnostic and surgical procedures. The Commission's September 6, 2005, Findings of Fact, Conclusions of Law, and Order (2005 Order) in this case is incorporated herein by this reference.

Pursuant to Idaho Code § 72-506, the Idaho Industrial Commission subsequently assigned the above-entitled matter to Referee Alan Taylor, who conducted another hearing in Twin Falls on February 21, 2007. Claimant was present in person and represented by Dennis R. Petersen of Idaho

Falls. Defendant Employer, Quality Truss & Lumber, Inc., and Defendant Surety, Idaho State Insurance Fund, were represented by Neil D. McFeeley of Boise. The parties presented oral and documentary evidence. This matter was then continued for the taking of post-hearing depositions, the submission of briefs, and subsequently came under advisement on June 25, 2007.

### **ISSUES**

The issues to be resolved are:

1. The extent to which Claimant's permanent partial impairment should be apportioned,
2. The extent of Claimant's permanent disability in excess of impairment, including whether Claimant is totally and permanently disabled pursuant to the odd-lot doctrine or otherwise,
3. If Claimant is not totally and permanently disabled, the extent to which any disability in excess of impairment should be apportioned pursuant to Idaho Code § 72-406, and
4. Whether any benefits to which Claimant is entitled should be suspended or reduced pursuant to Idaho Code § 72-435.

### **ARGUMENTS OF THE PARTIES**

Claimant maintains that as a result of his 2001 industrial back injury he is 100% totally and permanently disabled, or in the alternative, is an odd-lot worker. He argues that his 20% permanent impairment is all attributable to his industrial injury and that his smoking and decision not to undergo the fusion revision surgery authorized by the Commission's 2005 Order should not result in any reduction of his benefits.

Defendants asserts that Claimant's 20% permanent impairment should be apportioned 50% to his pre-existing condition, that Claimant suffers no permanent disability in excess of impairment, but that any permanent disability found should be apportioned 50% to his preexisting condition.

### **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION - 2**

Defendants also assert that Claimant's benefits should be reduced because he has refused reasonable medical care, including fusion revision surgery, and because his smoking has produced his present non-fusion.

### **EVIDENCE CONSIDERED**

The record in this matter consists of the following:

1. The testimony of Claimant, Nancy Collins, and Terry Osterhoudt taken at hearing on February 21, 2007;
2. Claimant's Exhibits 11, 21, and 24 through 30 admitted at hearing;
3. Defendant's Exhibits 1 through 9 admitted at hearing;
4. The deposition of Tracy Becerra taken by Claimant on March 15, 2007,
5. The deposition of Paul J. Montalbano, M.D., taken by Defendants on March 16, 2007,
6. The deposition of Kathy Gammon, M.S., CRC, RPT, taken by Claimant on March 19, 2007,  
and
7. All evidence considered in the Industrial Commission's 2005 Order in this case.

Defendants' objection at page 24, and Claimant's objection at page 63 of the Deposition of Kathy Gammon are overruled.

After having considered the above evidence, and the arguments of the parties, the Referee submits the following Findings of Fact and Conclusions of Law.

### **FINDINGS OF FACT**

1. Claimant was 26 years old and resided with his parents and siblings in Filer at the time of the 2007 hearing. He is six feet one inch tall and weighs approximately 220 pounds.
2. Claimant suffered an industrial accident and injury to his low back in 2001 at the age

of 21. In 2002 David Verst, M.D., performed an anterior/posterior interbody fusion (with instrumentation), discectomy, and laminectomy to address Claimant's L5-S1 instability, degenerative disk, pars fracture and spondylosis.

3. Claimant's condition improved somewhat following surgery, but then worsened. He went on to non-fusion due to his chronic smoking. Paul J. Montalbano, M.D., became Claimant's treating physician. Claimant then sought further surgery from Dr. Montalbano. The Commission's 2005 Order found Claimant entitled to the further surgery he requested, but suspended surgery until such time as Claimant stopped smoking.

4. Dr. Montalbano prepared to perform a fusion revision at L5-S1 and scheduled surgery for January 3, 2006. Claimant stopped smoking and underwent all diagnostic testing required preparatory to surgery, including CT, MRI, and bone scans. Shortly prior to the scheduled date, Claimant called advising he had an upper respiratory infection. Surgery was reset to January 26, 2006. Claimant presented on January 26, 2006, but had a tooth abscess and surgery was cancelled. Claimant then resumed smoking. Subsequent lab work confirmed the abscess had resolved and Dr. Montalbano's office called Claimant on March 15, 2006, to reschedule surgery. Claimant then responded that he did not want to proceed with surgery.

5. On May 2, 2006, Claimant had a Social Security disability hearing and was subsequently awarded Social Security disability benefits of \$620 per month after deducting Medicare costs.

6. Dr. Montalbano examined Claimant on November 10, 2006, at which time Claimant insisted that Dr. Montalbano had refused to perform the fusion revision surgery, rather than merely postponed it due to Claimant's non-industrial medical conditions. Dr. Montalbano examined

Claimant and found normal reflexes, muscle tone and strength, however Claimant's gait was antalgic.

7. Claimant never agreed to reschedule his fusion revision surgery and concluded he would not undergo further surgery. Claimant alleges he lost all confidence in Dr. Montalbano. Claimant is not willing to have surgery by Dr. Montalbano or anyone else. Dr. Montalbano has imposed a 50 pound lifting restriction given Claimant's pseudarthrosis at L5-S1 and opined that Claimant should be able to return to gainful employment.

8. Claimant testified that his pain is getting worse day by day, that he has pain in his low back, hot liquid pain down right leg, pain and numbness in right foot and shin, and intermittent left leg pain. In spite of his reports of severe and worsening pain, he takes no prescription pain medications.

9. Claimant lives in Filer with his parents and three siblings. He testified that on an average day, he arises about 11:00 a.m. and takes an hour to get going and get dressed. He then drives his mother to the post office to get mail and to a convenience store to buy soda pop. Upon returning home, Claimant plays computer games and lies on the couch. He testified that he can only tolerate 15 to 20 minutes of sitting while playing computer and video games before he must stand. Claimant plays computer and video games two to three hours daily. He reads 30 to 45 minutes daily and plays with his dog. His mother prepares all meals for him and he performs no household chores. Claimant sleeps on a couch in the living room. He has a basement bedroom which he does not use because he is afraid he will fall on the stairs. Claimant usually does not go to sleep until 3:00 or 4:00 a.m. He sleeps on his right side to facilitate getting up off the couch in the morning.

10. Claimant takes his cane and goes grocery shopping with his mother every other week.

## **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION - 5**

He drives his mother and pushes the shopping cart. Claimant testified he can carry a half gallon of milk, but cannot lift a full gallon. Claimant testified he is afraid to go anywhere by himself for fear he will fall and hurt himself, and there will be no one to help him.

11. Claimant has not worked nor applied for any work since the first hearing in 2004. He has no current plans to look for work.

12. The record reveals a number of inconsistencies between Claimant's testimony and other evidence. Claimant testified Dr. Montalbano's office never called him to reschedule fusion revision surgery after his tooth abscess in 2006. Dr. Montalbano testified, and his records confirm, that Claimant refused to proceed with revision surgery in March 2006 when contacted by Dr. Montalbano's office. Claimant testified that he lost all confidence in Dr. Montalbano because he gave a different opinion as to the course of treatment on each visit. Dr. Montalbano testified, and his records confirm, that he consistently recommended a specific course of treatment. Claimant testified that Dr. Montalbano told him the fusion revision surgery might well make him worse. Dr. Montalbano testified that while he never guarantees a successful surgical outcome, he told Claimant that revision surgery would most likely improve his condition and help reduce his pain. Claimant testified he had to drive his mother to the post office daily and to the grocery store every other week because she does not drive. Claimant's mother testified that she does drive, but prefers to let others drive. Claimant expressly represented in his application for Social Security Disability benefits that he could not drive because it hurt too much. Claimant admitted at hearing that he does drive, that he drives his mother to the post office almost daily, and that he drove from his home in Filer to a November 2006 doctor's appointment in Boise, a distance of approximately 140 miles in two and one-half hours with only two rest stops. Claimant expressly represented in his application

for Social Security Disability benefits that his treating physician—Dr. Montalbano—advised him that he could not work because it would cause him too much pain. Dr. Montalbano denied ever so advising Claimant, and testified that Claimant could and should return to gainful employment with a 50 pound lifting restriction.

13. Claimant used a cane to ambulate at hearing. His conduct at hearing was replete with multiple pronounced pain behaviors and was inconsistent, at least in significant part, with his mobility as shown on *sub rosa* surveillance DVD taken November 10, 14, and 15, 2006. Having observed Claimant at hearing and evaluated the evidence, the Referee finds that Claimant is not a credible witness and his testimony, especially regarding the severity of his physical symptoms and limitations, is unreliable.

#### **DISCUSSION AND FURTHER FINDINGS**

14. The provisions of the Workers' Compensation Law are to be liberally construed in favor of the employee. Haldiman v. American Fine Foods, 117 Idaho 955, 793 P.2d 187 (1990). The humane purposes which it serves leave no room for narrow, technical construction. Ogden v. Thompson, 128 Idaho 87, 910 P.2d 759 (1996).

15. **Apportioning permanent impairment.** "Permanent impairment" is any anatomic or functional abnormality or loss after maximal medical rehabilitation has been achieved and which abnormality or loss, medically, is considered stable or non-progressive at the time of evaluation. Idaho Code § 72-422. "Evaluation (rating) of permanent impairment" is a medical appraisal of the nature and extent of the injury or disease as it affects an injured employee's personal efficiency in the activities of daily living, such as self-care, communication, normal living postures, ambulation, traveling, and non-specialized activities of bodily members. Idaho Code § 72-424. When

determining impairment, the opinions of physicians are advisory only. The Commission is the ultimate evaluator of impairment. Urry v. Walker & Fox Masonry Contractors, 115 Idaho 750, 755, 769 P.2d 1122, 1127 (1989).

16. Defendants assert Claimant's permanent impairment should be apportioned. Dr. Sant and Dr. Friedman rated Claimant's permanent impairment at 20% of the whole person due to his L5-S1 fusion causing complete loss of motion due to surgical arthrodesis. They did not apportion any impairment to a preexisting condition. Defendants paid the 20% permanent partial impairment rating. Dr. Montalbano later concurred in the 20% impairment rating, but apportioned half of the impairment to Claimant's 2001 industrial accident and half to his preexisting condition. Diagnostic testing disclosed an underlying pars defect at L5 and facet arthropathy at that level which Dr. Montalbano testified was a cause for Claimant's fusion surgery. Dr. Montalbano's apportionment is adequately explained and persuasive.

17. Claimant's 20% whole person permanent partial impairment should be apportioned one half to his pre-existing condition and one-half to his 2001 industrial injury.

18. **Permanent disability.** "Permanent disability" or "under a permanent disability" results when the actual or presumed ability to engage in gainful activity is reduced or absent because of permanent impairment and no fundamental or marked change in the future can be reasonably expected. Idaho Code § 72-423. "Evaluation (rating) of permanent disability" is an appraisal of the injured employee's present and probable future ability to engage in gainful activity as it is affected by the medical factor of permanent impairment and by pertinent nonmedical factors provided in Idaho Code § 72-430. Idaho Code § 72-425. Idaho Code § 72-430 (1) provides that in determining percentages of permanent disabilities, account should be taken of the nature of the physical

disablement, the disfigurement if of a kind likely to handicap the employee in procuring or holding employment, the cumulative effect of multiple injuries, the occupation of the employee, and his or her age at the time of accident causing the injury, or manifestation of the occupational disease, consideration being given to the diminished ability of the affected employee to compete in an open labor market within a reasonable geographical area considering all the personal and economic circumstances of the employee, and other factors as the Commission may deem relevant.

19. The test for determining whether a claimant has suffered a permanent disability greater than permanent impairment is "whether the physical impairment, taken in conjunction with non-medical factors, has reduced the claimant's capacity for gainful employment." Graybill v. Swift & Company, 115 Idaho 293, 294, 766 P.2d 763, 764 (1988). In sum, the focus of a determination of permanent disability is on the claimant's ability to engage in gainful activity. Sund v. Gambrel, 127 Idaho 3, 7, 896 P.2d 329, 333 (1995).

20. Physical restrictions imposed by medical experts are critical to evaluating permanent disability. Dr. Montalbano testified Claimant presently has a 50 pound lifting restriction given his pseudarthrosis, and that after fusion revision surgery he would also have a 50 pound lifting restriction with no excessive bending, twisting, or crawling. Dr. Montalbano attributed half of Claimant's current restrictions and limitations to his industrial accident and half to his underlying preexisting pathology. He testified that the recommended fusion revision surgery would help alleviate some or all of Claimant's pain syndrome.

21. Several functional capacity evaluations (FCEs) have been performed since 2002 seeking to quantify Claimant's physical abilities. Most are addressed in the 2005 Order. Dr. Friedman released Claimant to perform medium work, while Dr. Phillips and Dean Mays after a

2004 FCE released Claimant only to light work. The FCEs have generally demonstrated an overall decline in Claimant's physical effort.

22. Physical therapist Tracy Becerra performed a FCE of Claimant on January 18-19, 2007. Claimant's lower extremity reflexes were within normal limits, however virtually all other testing, including range of motion and lift testing, revealed severe limitations. Claimant's reported motor sensory or reflex changes were not limited to one nerve root, indicating that his alleged problems could not be localized to a single nerve root or a single spinal segment. Becerra administered an Oswestry Questionnaire specific to individuals with low back pain. Claimant scored 88%. Becerra testified regarding individuals scoring 81 to 100%: "These patients are either bed bound or exaggerating their symptoms." Becerra Deposition, p. 27, Ll. 8-9. During the evaluation, Claimant repeatedly self-limited his tested activities. Becerra testified that because Claimant self-limited in so many activities, the FCE established what he was willing to perform, not necessarily what he is capable of performing. When Becerra was shown a *sub rosa* surveillance DVD of Claimant entering and exiting a vehicle, ambulating without a cane, and entering a convenience store, she testified that Claimant's conduct while under surveillance was significantly inconsistent with what he had demonstrated during the FCE.

23. Dr. Phillips' report, Dr. Montalbano's reports, and the Social Security disability medical examiner's report all indicate Claimant is much more functional than he presents in FCEs. Dr. Montalbano noted that the FCE performed by Becerra portrayed Claimant as very disabled; only able to lift five pounds. Dr. Montalbano testified that Claimant should be able to return to gainful employment with a 50 pound lifting restriction based upon his repeated physical examinations of Claimant and the diagnostic testing performed over three years. Dr. Montalbano noted that any

additional limitations or restrictions were attributable to Claimant's functional overlay.

24. Dr. Montalbano's opinion is objectively based, credible, and persuasive. The Referee finds that Claimant is able to lift a maximum of 50 pounds occasionally.

25. Claimant's vocational expert Kathy Gammon opined that Claimant qualified for sedentary work with restrictions and accommodations of sitting from 5 to 45 minutes, and voiding repetitive assembly line work. Gammon concluded Claimant would be excluded from 95 to 99% of the available labor market. Gammon noted that according to Claimant's Social Security disability finding he is restricted from the labor market in the national economy. Gammon acknowledged that if Claimant was capable of medium exertional level work, he could return to several of his pre-injury jobs, including nurse assistant and truss assembler. Gammon testified, that based upon the functional capacity evaluation performed by Tracy Becerra, Claimant was totally and permanently disabled and it would be futile for him to seek employment.

26. The basis for Gammon's opinion is Becerra's functional capacity evaluation which is a product of Claimant's self-limited effort and inconsistent with Claimant's conduct documented during *sub rosa* surveillance. Gammon's opinion is unpersuasive.

27. Defendants' vocational rehabilitation expert Nancy Collins testified regarding Claimant's employability. She noted his work history of heavy work as a truss builder, hyster driver, and fish hatchery assistant, as well as his lighter work as a retail clerk and movie theater ticket taker. Collins noted that Claimant performed well in high school and his testing results show average to above average intelligence. She noted that Dr. Friedman released Claimant to medium work, while Dr. Phillips and Dean Mays released Claimant to light work. Collins noted that Claimant's most recent FCE showed many pain behaviors and severe disability, and that the FCE

reflects what Claimant was willing to perform not necessarily what he is capable of performing. Collins testified that the area labor market has medium, light, and sedentary jobs available. She opined that Claimant needs to address his depression and then actively seek to return to work. Collins opined that if limited strictly to light duty work, Claimant had a 50% loss of access to the area labor market and permanent disability including impairment between 35 and 50%. However, Collins opined that Twin Falls has a thriving labor market and many job openings. She testified that if Claimant could lift up to 50 pounds occasionally without any other restrictions, he would be capable of performing medium work and his permanent disability would not exceed his permanent impairment of 20%.

28. Collins reviewed Gammon's report of February 9, 2007, and noted that Gammon did not consider Claimant capable of light or medium work. Gammon apparently did not consider the medical records including the objective physical restrictions imposed by physicians.

29. As noted in the 2005 Order, Claimant was earning \$7.00 per hour at time of his industrial injury. Claimant is permanently restricted to lifting 50 pounds occasionally with no excessive bending, twisting, crawling or prolonged sitting. Claimant has transferable skills and prior experience in areas not precluded by his physical impairment. He has previously worked at a department store, movie theater, fish hatchery, nursing home, sugar factory, building supply store, telemarketing business, and four different grocery stores. His medium duty work restrictions would not necessarily preclude his return to many of his prior areas of employment.

30. Claimant's assertions that he is 100% totally and permanently disabled, or is totally and permanently disabled pursuant to the odd-lot doctrine, are not persuasive. Nevertheless, Claimant's permanent physical restrictions from his industrial injury have adversely impacted his

wage earning capacity and his actual ability to engage in gainful employment. Based upon Claimant's impairment rating of 20% of the whole person, and his various medical and non-medical factors, Claimant's ability to engage in gainful activity has been reduced. The Referee finds that Claimant has proven he suffers permanent disability of 15%, in excess of his 20% permanent impairment.

31. **Apportionment of disability.** Idaho Code § 72-406(1) provides that in cases of permanent disability less than total, if the degree or duration of disability resulting from an industrial injury or occupational disease is increased or prolonged because of a pre-existing physical impairment, the employer shall be liable only for the additional disability from the industrial injury or occupational disease.

32. As noted in the 2005 Order, Claimant had intermittent back pain before his 2001 industrial accident. Prior to 2001, Claimant received medical treatment, including prescription medications, for three separate episodes of low back pain after lifting various items. However, in each instance Claimant recovered quickly and returned to work without restrictions. Claimant's preexisting condition did not materially hamper his work prior to his 2001 injury. Having already concluded that Claimant's permanent impairment should be apportioned 50% to his preexisting condition, the Referee finds that no additional apportionment of permanent disability in excess of permanent impairment is warranted pursuant to Idaho Code Section 72-406.

33. **Reduction of benefits.** Idaho Code § 72-435 provides that the Commission may order suspension or reduction of compensation if an injured worker persists in unsanitary or unreasonable practices tending to retard his recovery.

34. Claimant's physical capacity herein has been evaluated based upon Dr. Montalbano's

testimony that Claimant's permanent physical restrictions will be the same whether or not he undergoes fusion revision surgery. Thus for purposes of evaluating Claimant's wage earning capacity, his decision of whether or not to undergo fusion revision surgery is of no practical consequence. Similarly, to the extent Claimant's smoking resulted in his failed fusion, his smoking is inconsequential in the above evaluation of his wage earning capacity. Under these circumstances, the Referee finds that no reduction of compensation is warranted.

35. Defendants also request that Claimant be required to pay reimbursement for the cost of diagnostic testing in preparation for his fusion revision surgery, which he initially requested but ultimately declined. However, again, under the circumstances presented here, where Claimant's physical limitations will be the same whether or not he undergoes fusion revision surgery, the Referee finds that Claimant's refusal of fusion revision surgery is not unreasonable and no reduction of compensation is warranted.

### **CONCLUSIONS OF LAW**

1. Claimant has proven he suffers a permanent partial impairment of 20% of the whole person; one-half of which is attributable to his 2001 industrial accident and one-half is attributable to his preexisting condition. Defendants have previously paid the entire permanent impairment benefits of 20% and are entitled to credit therefor.

2. Claimant has proven he suffers permanent disability of 15%, in excess of his 20% whole person permanent impairment. Claimant has failed to prove he is 100% totally and permanently disabled or that he is an odd-lot worker.

3. No apportionment of permanent disability beyond impairment is appropriate pursuant to Idaho Code Section 72-406.

4. No reduction of benefits is warranted pursuant to Idaho Code Section 72-435.

### 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 5th day of October, 2007.

INDUSTRIAL COMMISSION

/s/ \_\_\_\_\_  
Alan Reed Taylor, Referee

ATTEST:

/s/ \_\_\_\_\_  
Assistant Commission Secretary

### CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of October, 2007, a true and correct copy of Findings of Fact, Conclusions of Law, and Recommendation was served by regular United States Mail upon each of the following:

DENNIS R PETERSEN  
PO BOX 1645  
IDAHO FALLS ID 83403-1645

NEIL D McFEELEY  
PO BOX 1368  
BOISE ID 83701-1368

ka

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

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

MATTHEW OSTERHOUDT,	)	
	)	
Claimant,	)	<b>IC 2001-520365</b>
	)	
v.	)	
	)	
QUALITY TRUSS & LUMBER, INC.,	)	
	)	
Employer,	)	<b>ORDER</b>
	)	
IDAHO STATE INSURANCE FUND,	)	
	)	
Surety,	)	Filed October 15, 2007
	)	
Defendants.	)	
_____	)	

Pursuant to Idaho Code § 72-717, Referee Alan Taylor submitted the record in the above-entitled matter, together with his proposed findings of fact and conclusions of law to the members of the Idaho 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 has proven he suffers a permanent partial impairment of 20% of the whole person; one-half of which is attributable to his 2001 industrial accident and one-half is attributable to his preexisting condition. Defendants have previously paid the entire permanent impairment benefits of 20% and are entitled to credit therefor.
2. Claimant has proven he suffers permanent disability of 15%, in excess of his 20%

whole person permanent impairment. Claimant has failed to prove he is 100% totally and permanently disabled or that he is an odd-lot worker.

3. No apportionment of permanent disability beyond impairment is appropriate pursuant to Idaho Code Section 72-406.

4. No reduction of benefits is warranted pursuant to Idaho Code Section 72-435.

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

DATED this 15<sup>th</sup> day of October, 2007.

INDUSTRIAL COMMISSION

/s/ \_\_\_\_\_  
James F. Kile, Chairman

/s/ \_\_\_\_\_  
R. D. Maynard, Commissioner

Unavailable for signature

\_\_\_\_\_  
Thomas E. Limbaugh, Commissioner

ATTEST:

/s/ \_\_\_\_\_  
Assistant Commission Secretary

**CERTIFICATE OF SERVICE**

I hereby certify that on the 15<sup>th</sup> day of October, 2007, a true and correct copy of the foregoing **Order** was served by regular United States Mail upon each of the following persons:

DENNIS R PETERSEN  
PO BOX 1645  
IDAHO FALLS ID 83403-1645

NEIL D MCFEELEY  
PO BOX 1368  
BOISE ID 83701

ka

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