

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

RENE G. FLORES,)	
)	
Claimant,)	
)	
v.)	IC 2006-001912
)	
BOISE CASCADE, LLC,)	
)	
Employer,)	ORDER DENYING
)	RECONSIDERATION
and)	
)	
OLD REPUBLIC INSURANCE COMPANY,)	Sept. 30, 2008
)	
Surety,)	
)	
Defendants.)	
_____)	

Pursuant to Idaho Code § 72-718, Defendants move for reconsideration of the Commission’s June 20, 2008 decision in the above-referenced case. Defendants object to the Commission’s finding that Claimant did not know about his occupational disease until January 27, 2006 and ask that the finding be clarified and revised. Defendants further object to the Commission’s refusal to apportion responsibility for Claimant’s disability between a pre-existing low back condition and a later occupational disease. Claimant responds, with regard to Defendants’ first contention, that the issue of when Claimant knew he had his occupational disease has already been argued and clearly ruled upon; Claimant does not believe any further clarification is necessary, and Claimant objects to a revision. With regard to Defendants’ second contention, Claimant responds that Defendants are merely repeating arguments already considered. Claimant asks that Defendants’ motion be denied.

The Commission has already considered Defendants' evidence and arguments on the issues of when Claimant had knowledge of his occupational disease and whether apportionment would be appropriate. The Commission carefully examined and weighed all evidence and arguments before rendering its original decision and remains unpersuaded by Defendants' arguments. Further, the Commission does not believe any clarification of its finding on Claimant's knowledge of his occupational disease is necessary; the finding was explained sufficiently in the decision.

In effect, Defendants' motion is a request to reweigh evidence and arguments already considered, and to clarify what has already been explained. Accordingly, the motion for reconsideration is hereby DENIED.

DATED this 30th day of September, 2008.

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 the 30th day of September, 2008 a true and correct copy of **Order Denying Reconsideration** was served by regular United States Mail upon each of the following:

RICHARD S OWEN
PO BOX 278
NAMPA ID 83653-0278

THOMAS P BASKIN
PO BOX 6756
BOISE ID 83707-6756

eb/cjh

_____/s/_____