

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

FILADELFO FUNES, )  
 )  
 Claimant, )  
 )  
 v. )  
 )  
 AARDEMA DAIRY, )  
 )  
 Employer, )  
 )  
 and )  
 )  
 STATE INSURANCE FUND, )  
 )  
 Surety, )  
 )  
 Defendants. )  
 \_\_\_\_\_ )

**IC 2005-502836**

**ORDER DENYING  
RECONSIDERATION**

October 21, 2008

Pursuant to Idaho Code § 72-718, Claimant Filadelfo Funes moves for reconsideration of the Commission’s August 12, 2008 decision in the above-referenced case. Claimant contends that he is entitled to a permanent partial disability rating higher than the 25% assigned by the Commission. Claimant further contends that, because of his extraordinary chronic pain, he is totally and permanently disabled under the odd-lot doctrine. Claimant requests that the Commission modify its findings to reflect that Claimant is totally and permanently disabled under the odd-lot doctrine or that Claimant has a higher permanent partial disability rating than 25%. Defendants reply that Claimant has not met his burden of proof to show that he is an odd-lot worker and that the evidence on record supports the Commission’s decision.

Claimant’s motion amounts to a request to reweigh evidence and arguments already considered. The Commission carefully examined Claimant’s evidence and arguments on the issues of permanent partial disability and permanent total disability and remains unpersuaded by

