

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

SUZANNE L. WEENIG,)	
Claimant,)	
v.)	IC 2004-000696
)	
INTERMOUNTAIN GAS COMPANY,)	
)	ORDER DENYING
Employer,)	RECONSIDERATION
and)	
)	
ADVANTAGE WORKERS)	
COMPENSATION INSURANCE COMPANY,)	Filed November 17, 2008
)	
Surety,)	
Defendants.)	
_____)	

On October 17, 2008, Claimant filed a motion requesting reconsideration of the Industrial Commission’s decision filed October 3, 2008, in the above referenced case. Defendants filed a response on October 22, 2008. Claimant did not file a reply.

In the motion, Claimant contends that the findings regarding Claimant and her husband’s credibility are not supported by substantial evidence, that the decision does not discuss and resolve contradictory evidence, and that the language in the decision indicates a lack of understanding and sensitivity to the purpose of the Idaho Workers’ Compensation Act.

Defendants aver that credibility was only one component in the decision and that the conclusion was based upon the expert medical opinions that were provided.

Claimant’s motion is essentially a request to reweigh the evidence already presented. The Commission’s analysis took into account all the medical records and testimony and noted that Dr. Collet’s opinions are entitled to greater weight because he had more complete knowledge of

Claimant's condition and was the only testifying medical provider who actually observed Claimant's condition immediately after the accident and for a period of time after her stability. The testimony of Claimant and her husband was found to be inconsistent with the medical records. The Commission's decision found that Claimant's January 8, 2004 muscle strains were healed by March 5, 2004, and that Claimant's further complaints were not related to the subject accident.

Claimant carefully lays out her argument and supporting facts. But every individual report and statement will not be readdressed and commented on by the Commission in this order on reconsideration. The Commission was aware of the applicable arguments and facts that resulted in the final conclusions. The Commission reviewed and weighed, as a whole, the testimony and additional evidence presented.

Although Claimant disagrees with the Commission's findings and conclusions, the facts and arguments raised by Claimant's request for reconsideration were considered and decided by the Commission in the original decision. The Commission's decision of October 3, 2008, in the above referenced case, is supported by substantial evidence in the record and Claimant has presented no persuasive argument to disturb the decision.

Based upon the foregoing reasons, Claimant's Motion for Reconsideration is DENIED.

IT IS SO ORDERED.

DATED this __17th__ day of November, 2008.

INDUSTRIAL COMMISSION

_____/s/_____
James F. Kile, Chairman

Participated but did not sign _____
R.D. Maynard, Commissioner

/s/ _____
Thomas E. Limbaugh, Commissioner

ATTEST:

/s/ _____
Assistant Commission Secretary

CERTIFICATE OF SERVICE

I hereby certify that on ___17th___ day of November, 2008, a true and correct copy of the foregoing **ORDER DENYING RECONSIDERATION** was served by regular United States Mail upon each of the following:

ALBERT MATSUURA
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sb/cjh

/s/ _____