

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

MAXIMO CHACON,)	
)	
Claimant,)	IC 2005-528272
v.)	
)	
ANDERSON FARMS, INC.,)	ORDER GRANTING
)	RECONSIDERATION
Employer,)	AND REINSTATING
and)	COMPLAINT
)	
IDAHO STATE INSURANCE FUND,)	
)	
Surety,)	Filed November 15, 2011
)	
Defendants.)	
)	

Pursuant to Idaho Code § 72-718, Claimant moves for reconsideration of the Commission’s Order Dismissing Complaint in the above-captioned case. On August 31, 2011, the Referee issued a Notice of Intent to Recommend Dismissal, as no action had been taken in the case for the prior six months. The Notice provided the parties with twenty-one days to request retention of the case. As no such request was received, the Commission dismissed the case without prejudice on October 3, 2011.

Via affidavit, Claimant’s attorney indicates that he and his staff inadvertently overlooked the Notice. Claimant intends to prosecute the case, and discussions regarding discovery and related matters have occurred between the parties. Claimant asks that the complaint be reinstated. Defendants do not respond.

Having considered Claimant’s argument and the affidavit of Claimant’s counsel, we find good cause to GRANT Claimant’s motion. Claimant’s complaint is therefore REINSTATED.

IT IS SO ORDERED.

DATED this _15th__ day of November, 2011.

INDUSTRIAL COMMISSION

_____/s/_____
Thomas E. Limbaugh, Chairman

_____/s/_____
Thomas P. Baskin, Commissioner

_____/s/_____
R.D. Maynard, Commissioner

ATTEST:

_____/s/_____
Assistant Commission Secretary

CERTIFICATE OF SERVICE

I hereby certify that on the _15th__ day of November, 2011, a true and correct copy of the foregoing **ORDER GRANTING RECONSIDERATION AND REINSTATING COMPLAINT** was served by regular United States Mail upon each of the following:

JAMES C ARNOLD
PO BOX 1645
IDAHO FALLS ID 83403-1645

STEVEN R FULLER
PO BOX 191
PRESTON ID 83263

eb

_____/s/_____