

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

SHERRI POTTS,

Claimant,

v.

ADP TOTALSOURCE 1, INC.,

Employer,

and

NEW HAMPSHIRE INSURANCE
COMPANY,

Surety,
Defendants.

IC 2013-009799

**ERRATUM TO
FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
RECOMMENDATION,
AND ORDER**

Filed August 20, 2015

On July 10, 2015, the Idaho Industrial Commission filed the Findings of Fact, Conclusions of Law, and Recommendation, and Order in the above-captioned case.

On July 21, 2015, Defendants filed a Motion for Reconsideration and/or Clarification concerning the Commission's adoption of Referee Powers' Recommendation awarding Claimant 6% PPI award. Defendants state in their motion that the Commission made a calculation error in the averaging of the two PPI ratings from Dr. Hessing (5% upper extremity) and Dr. Williams (7% whole person). "The decision determines that the appropriate impairment should be a product of averaging the ratings of the two physicians. However, in approaching the averaging process, Dr. Hessings' 5% upper extremity rating is incorrectly referred to as 5% of the whole person and the 5% whole person PPI is then averaged with Dr. Williams' 7%, resulting in the 6% PPI award." Defendants further state that the "5% upper extremity award from Dr. Hessing is

equivalent to 3% of the whole person. Averaging that 3% with Dr. Williams 7% produces an average of 5%.”

On July 27, 2015, Claimant filed a Response to Defendants’ Motion for Reconsideration and/or Clarification that agrees with the PPI average analysis presented by the Defendants.

The Commission agrees with the PPI analysis of the parties and finds this sufficient to issue an erratum to correct this mistake. The Findings of Fact, Conclusions of Law and Recommendation, and Order should read that Claimant is entitled to a whole person permanent partial impairment of 5%, reflecting the correct average of the two physicians’ PPI ratings, in the following places in the decision:

“¶ 91. Therefore, the Referee finds that Claimant has suffered 5% whole person PPI as a result of her injury.”

“¶ 99. Claimant has established entitlement to 5% PPD, in addition to 5% PPI, as a result of her industrial right shoulder injury.”

Similarly, the Conclusions of Law and Order should be changed to “1. Claimant has established she is entitled to whole person permanent partial impairment of 5%.”

IT IS SO ORDERED.

DATED this 20th day of August, 2015.

INDUSTRIAL COMMISSION

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

_____/s/_____
Thomas E. Limbaugh, Commissioner

_____/s/_____
Thomas P. Baskin, Commissioner

ATTEST:

_____/s/_____
Assistant Commission Secretary

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of August, 2015, a true and correct copy of the foregoing **ERRATUM TO FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION AND ORDER** was served by regular United States Mail upon each of the following:

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_____/s/_____