

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

SCOTT CHADWICK,

Claimant,

v.

MULTI-STATE ELECTRIC, L.L.C.,

Employer,

and

IDAHO STATE INSURANCE FUND,

Surety,

Defendants.

IC 2012-021676

**ORDER DENYING
RECONSIDERATION**

Filed 7/17/14

On June 9, 2014, Claimant filed a motion titled “Notice of Appeal.” Based on the substance of the motion, the Commission has chosen to treat Claimant’s pleading as a motion for reconsideration pursuant to Idaho Code § 72-718. Claimant argues that the Commission needs to “open [its] eyes” and find that Claimant suffered an industrial injury. Defendants reply that Claimant does not offer any legal or factual basis to support reconsideration; as such, Claimant’s motion should be denied.

A decision of the Commission, in the absence of fraud, shall be final and conclusive as to all matters adjudicated, provided that within twenty days from the date of filing the decision, any party may move for reconsideration. Idaho Code § 72-718. A motion for reconsideration must “present to the Commission new reasons factually and legally to support [reconsideration] rather than rehashing evidence previously presented.” *Curtis v. M.H. King Co.*, 142 Idaho 383, 128 P.3d 920 (2005). The Commission is not inclined to reweigh evidence and arguments simply because the case was not resolved in the party’s favor.

On reconsideration, the Commission will examine the evidence in the case and determine whether the evidence presented supports the legal conclusions in the decision. However, the Commission is not compelled to make findings of fact during reconsideration. *Davidson v. H.H. Keim*, 110 Idaho 758, 718 P.2d 1196 (1986).

Having considered Claimant's motion, and having reviewed the record on reconsideration, we find that the substantial and competent evidence in the record supports the decision as it stands. Claimant's motion for reconsideration is therefore DENIED. Pursuant to Idaho Code § 72-724, I.A.R. 11(d), and I.A.R. 14(b), Claimant has forty-two (42) days from the date of this order to appeal his case to the Idaho Supreme Court.

IT IS SO ORDERED.

DATED this 17th day of July, 2014.

INDUSTRIAL COMMISSION

/s/
Thomas P. Baskin, Chairman

/s/
R.D. Maynard, Commissioner

/s/
Thomas E. Limbaugh, Commissioner

ATTEST:

/s/
Assistant Commission Secretary

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of July, 2014, a true and correct copy of the foregoing **ORDER DENYING RECONSIDERATION** was served by regular United States Mail upon each of the following:

SCOTT CHADWICK
5486 DEER FLAT RD
NAMPA ID 83686

NEIL MCFEELEY
PO BOX 1368
BOISE ID 83701-1368

_____/s/_____