

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

JOSEPH KNIGHT,

Claimant,

v.

MELALEUCA, INC.,

Employer,

and

HARTFORD INSURANCE COMPANY OF
THE MIDWEST,

Surety,

Defendants.

IC 2011-009332

**ORDER DISMISSING REQUEST FOR
RECONSIDERATION**

Filed March, 15, 2013

On February 28, 2013, Claimant requested that the Commission keep his case open. Claimant also argues that he requires additional medical care, and that Defendants are not helping as promised. The Commission dismissed Claimant's complaint without prejudice on January 28, 2013, after Claimant failed to respond to the Defendants' motion for dismissal. The Commission construes Claimant's present filing as a request for reconsideration.

On March 5, 2013, Defendants opposed Claimant's request to reopen his case. Defendants argue that Claimant failed to respond to the motion to dismiss Claimant's complaint, filed on December 20, 2012, and failed to timely respond to the January 28, 2013 Order Dismissing Complaint. Because Claimant had until February 19, 2013, to file a request for reconsideration of the Commission's order, Claimant's request is untimely, and should be dismissed.

DISCUSSION

Under Idaho Code § 72-718, a decision of the Commission, in the absence of fraud, shall be final and conclusive as to all matters adjudicated; provided, within twenty (20) days from the date of filing the decision any party may move for reconsideration or rehearing of the decision. In this case, the Commission’s Order Dismissing Complaint was filed on January 28, 2013. Pursuant to Idaho Code § 72-718, Claimant had twenty (20) days within which to file a request for reconsideration of the order of dismissal. Because the twenty (20) day deadline within which to file a request for reconsideration fell on February 18, 2013, a national holiday, Claimant appropriately had until February 19, 2013 to file a request for reconsideration. Claimant failed to file a motion within the time allotted by statute. The Commission therefore lacks jurisdiction to consider the motion.

ORDER

Accordingly, Claimant’s request for reconsideration is **DISMISSED. IT IS SO ORDERED.**

DATED this 15th day of March, 2013.

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 the 15th day of March , 2013, a true and correct copy of the foregoing **ORDER DISMISSING REQUEST FOR RECONSIDERATION** was served by regular United States Mail upon each of the following:

JOSEPH KNIGHT
1542 LABRELLE #53
IDAHO FALLS ID 83402

ERIC BAILEY
PO BOX 1007
BOISE ID 83701

/s/ _____