

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

MATTHEW MAZZONE,)
)
 Claimant,)
)
 v.)
)
 TEXAS ROADHOUSE, INC.,)
)
 Employer,)
)
 and)
)
 HARTFORD INSURANCE COMPANY)
 OF THE MIDWEST,)
)
 Surety,)
)
 Defendants.)
 _____)

IC 2005-012469

**ORDER ON REQUEST
FOR RECONSIDERATION**

Filed November 1, 2011

Claimant filed a Request for Reconsideration of Order Denying Request for Rehearing on September 27, 2011. Defendants filed a Response. Then Claimant filed a Notice of Appeal on October 28, 2011.

Idaho Code §72-731 and I.A.R. 13(d) state that an appeal to the Supreme Court shall automatically operate as a supersedeas or stay of the award, order or decision being disputed on the appeal unless the Commission or the Supreme Court shall otherwise order. The notice of appeal has moved the disputed matter into the jurisdiction of the Supreme Court. Thus the Commission cannot rule on Claimant's Request for Reconsideration of Order Denying Request for Rehearing.

Based upon the foregoing reasons, Claimant's Request for Reconsideration is moot.

IT IS SO ORDERED.

DATED this ___1st___ 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 ___1st___ day of ___November_____, 2011, a true and correct copy of the foregoing **ORDER ON REQUEST FOR RECONSIDERATION** was served by regular United States Mail upon each of the following:

STEPHEN A MEIKLE
PO BOX 51137
IDAHO FALLS ID 83405-1137

ALAN R GARDNER
PO BOX 2528
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/s/