

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

MARCUS MCGRAY,
Claimant,

v.

HOLIDAY INN AIRPORT,
Employer,

and

ZURICH AMERICAN INSURANCE
COMPANY,

Surety,

Defendants.

IC 2006-003118

**ORDER DENYING
CLAIMANT'S MOTION**

Filed August 16, 2012

On June 15, 2012, the Commission issued a decision in the above-captioned case, finding that Claimant had failed to prove his entitlement to additional medical care relative to his March 2006 industrial injury. Claimant has subsequently filed a document titled “motion for extension of time,” in which Claimant asked for an extension of time to consult with his personal doctor and file a brief. Defendants object to the motion, arguing that the decision has been issued and that the time to file a brief or to present additional evidence has long since passed.

Defendants are correct. After the hearing was held on January 27, 2012, the Referee issued a briefing schedule, which required Claimant to file his brief on or before March 9, 2012. Claimant failed to file a brief or to timely request an extension of time to file a brief. As a decision in this case has already been issued, there is no reason for Claimant to file a brief now, or for the Commission to consider such a brief.

To the extent that Claimant’s motion can be construed as a motion for reconsideration pursuant to Idaho Code § 72-718, it must nevertheless fail. A motion for reconsideration must “present to the Commission new reasons factually and legally to support [reconsideration].”

Curtis v. M.H. King Co., 142 Idaho 383, 128 P.3d 920 (2005). Here, Claimant fails to provide any reasons, factual or legal, that would support reconsideration. Claimant's motion is therefore DENIED.

IT IS SO ORDERED.

DATED this ___16th___ day of August, 2012.

INDUSTRIAL COMMISSION

/s/
Thomas E. Limbaugh, Chairman

/s/
Thomas P. Baskin, Commissioner

R.D. Maynard, Commissioner

ATTEST:

/s/
Assistant Commission Secretary

CERTIFICATE OF SERVICE

I hereby certify that on the ___16th___ day of August, 2012, a true and correct copy of the foregoing **ORDER DENYING CLAIMANT'S MOTION** was served by regular United States Mail upon each of the following:

MARCUS MCGRAY
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eb

/s/