

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

LAWRENCE FORD,

Claimant,

v.

ALBERTON'S, LLC.,

Employer,

and

AMERICAN ZURICH INSURANCE CO.,

Surety,
Defendants.

IC 2019-000003

**FINDINGS OF FACT,
CONCLUSION OF LAW,
AND RECOMMENDATION**

FILED

OCT 14 2022

INDUSTRIAL COMMISSION

INTRODUCTION

Pursuant to Idaho Code § 72-506, the Idaho Industrial Commission assigned the above-entitled matter to Referee Brian Harper, who conducted a hearing in Boise, Idaho, on October 11, 2022. Claimant represented himself *pro se* in this litigation. He failed to present himself at hearing despite having written notice of the hearing and additional actual notice by way of telephonic communication at the time the matter was re-set for hearing.¹ Nicole O'Toole represented Albertson's, LLC. (Employer), and American Zurich Insurance Co. (Surety), Defendants. The matter came under advisement on October 12, 2022.

ISSUES

The issues slated for resolution at the hearing were:

¹ The case was originally set for a hearing date of July 22, 2022, but as part of a telephone conference with the parties on July 20, 2022, the hearing date was moved to October 11, 2022. Notice was promptly sent to the parties with the new agreed-upon hearing date.

FINDINGS OF FACT, CONCLUSION OF LAW, AND RECOMMENDATION - 1

1. Whether Claimant has complied with the notice limitations set forth in Idaho Code § 72-701 through Idaho Code § 72-706, and/or Idaho Code § 72-448, and whether these limitations are tolled pursuant to Idaho Code § 72-604;
2. Whether Claimant suffered an injury from an accident arising out of and in the course of his employment;
3. Whether Claimant suffers from a compensable occupational disease;
4. Whether and to what extent Claimant is entitled to medical care; and
5. Whether apportionment pursuant to Idaho Code § 72-406 is appropriate.

EVIDENCE CONSIDERED

The record in this matter is devoid of any exhibits, as none were offered by either party. No testimony was taken.

FINDINGS OF FACT

No findings of fact are set forth, as no testimony was received at hearing. No exhibits were admitted.

CONCLUSION OF LAW

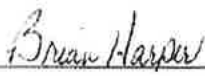
Claimant has failed to make a *prima facie* case for any of the issues in controversy herein.

RECOMMENDATION

Based upon the foregoing Findings of Fact and Conclusion of Law, the Referee recommends that the Commission adopt such findings and conclusion as its own and issue an appropriate final order.

DATED this 12th day of October, 2022.

INDUSTRIAL COMMISSION



Brian Harper, Referee

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of October, 2022, a true and correct copy of the foregoing **FINDINGS OF FACT, CONCLUSION OF LAW, AND RECOMMENDATION** was served by email transmission and regular United States Mail upon each of the following:

LAWRENCE FORD

[REDACTED]

NICOLE O'TOOLE

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Jennifer S. Komperud

jsk

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ORDER

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Pursuant to Idaho Code § 72-717, Referee Brian Harper submitted the record in the above-entitled matter, together with his recommended findings of fact and conclusions of law, to the members of the Idaho Industrial Commission for their review. Each of the undersigned Commissioners has reviewed the record and the recommendation of the Referee. The Commission concurs with this recommendation.

Therefore, the Commission approves, confirms, and adopts the Referee's proposed findings of fact and conclusion of law as its own. Based upon the foregoing, IT IS HEREBY ORDERED that:

Claimant has failed to make a *prima facie* case for any of the issues in controversy herein.

Pursuant to Idaho Code § 72-718, this decision is final and conclusive as to all matters adjudicated.

ORDER - 1

DATED this the 13th day of October, 2022.

INDUSTRIAL COMMISSION



unavailable to sign
Aaron White, Chairman

Thomas E. Limbaugh
Thomas E. Limbaugh, Commissioner

Thomas P. Baskin
Thomas P. Baskin, Commissioner

ATTEST

Assistant Commissioner Secretary

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of October, 2022, a true and correct copy of the foregoing **ORDER** was served by email transmission and regular United States Mail upon each of the following:

LAWRENCE FORD
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