BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

JERRY WILSON, Claimant, v. STATE OF IDAHO, INDUSTRIAL SPECIAL INDEMNITY FUND, Defendant.	**I.C. 2018-027846** **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION** **FILED** **11-8-24** **IDAHO INDUSTRIAL COMMISSION**

INTRODUCTION

Pursuant to Idaho Code § 72-506, the Idaho Industrial Commission assigned the above-entitled matter to Referee John Hummel, who conducted a hearing in Idaho Falls on May 21, 2024. Andrew Adams, of Idaho Falls, represented Claimant, Jerry Wilson, who was present in person. Paul J. Augustine, of Boise, represented Defendant, State of Idaho, Industrial Special Indemnity Fund (ISIF). The parties presented oral and documentary evidence, took post-hearing depositions and submitted briefs. The matter came under advisement on October 21, 2024.

ISSUES

The noticed issues to be decided by the Commission as the result of the hearing are as follows:

1. Whether Claimant is entitled to permanent total disability pursuant to the odd-lot doctrine or otherwise.
2. Whether ISIF is liable for a portion of Claimant's disability under Idaho Code § 72-332.
3. If ISIF is liable, what is the correct apportionment under the *Carey* formula.

4. Whether Claimant is entitled to attorney fees pursuant to Idaho Code § 72-804.[1]

CONTENTIONS OF THE PARTIES

Claimant alleges that the combination of the 2018 industrial accident injury to his right hand and his previous conditions combine to render him totally and permanently disabled. He further alleges that the combination indicates ISIF liability for a portion of Claimant's disability.

Defendant ISIF alleges that Claimant is not totally and permanently disabled and that he was still part-time employed at the time of hearing in a position identical to his time of injury position. ISIF further argues that Claimant's previous conditions are not rated for impairment and do not combine with the industrial accident injury to render him totally and permanently disabled.

EVIDENCE CONSIDERED

The record in this matter consists of the following:

1. The Industrial Commission legal file;
2. The transcript of the hearing held May 21, 2024;
3. Joint Exhibits 1 through 29, admitted at the hearing;
4. Deposition of Claimant taken March 27, 2024;
5. Deposition of Chad Harding taken May 3, 2024;
6. Deposition of Kent Granat taken July 10, 2024;
7. Deposition of Barbara K. Nelson, M.S., taken on July 22, 2024.

After having considered the above evidence and the arguments of the parties, the Referee submits the following findings of fact and conclusion of law for review by the Commission.

[1] Claimant did not address the attorney fees issue in his briefing. This issue is deemed waived.

FINDINGS OF FACT

1. **Claimant's Background**. Claimant was born on May 9, 1958, in Ogden, Utah. Claimant's Dep., 6:8-12. He attended high school at Davis High School in Kaysville, Utah until the 11th grade; he did not obtain a high school diploma or a GED. *Id*. at 6:13-7:13. After high school, Claimant attended a bricklaying trade school and completed a six-month program. *Id*. at 7:14-16.

2. **Truck Driving Career**. Following trade school, Claimant moved to Idaho and starting in 1978 worked primarily as a truck driver. *Id*. at 14:8-13; Tr. 19:15-17. He began as a potato truck driver and then switched to driving a concrete truck. For a brief period of time, he worked as a truck dispatcher and batcher. Other trucking jobs for Claimant included working for a construction company; working as a short haul and long-distance truck driver; hauling heavy equipment; driving a dump truck; and performing other miscellaneous trucking jobs. Claimant's Dep.,15:6-31:22; Tr., 19:20-20:10.

3. **Pre-Injury Conditions**. ***Abdominal Aortic Aneurysm (AAA)***. Claimant first received a diagnosis of abdominal aortic aneurysm (AAA) in 1994. AAA is a bulge in the aorta, the body's main artery, that runs through the abdomen. His medical providers periodically monitored the AAA, which was determined to be stable, not initially requiring surgery. Claimant's AAA prevented him from obtaining a CDL for driving out of state for several years due to federal regulations; these rules were later amended, and Claimant was allowed to drive interstate. The condition did not require medical treatment until following the industrial accident, when Claimant had the AAA surgically repaired with placement of a stint on November 11, 2020, after it grew to the point where surgical intervention was required. Claimant did not have any permanent work restrictions due to this condition and did not receive any permanent partial

impairment due to it. Ex. 23:4; Tr., 24:24-25:13; 37:9-21; 63:23-64:11; Claimant's Dep., 46:1-50:1.

4. ***Takayasu Arteritis (TAK)***. TAK is a rare chronic inflammatory disease that causes inflammation in the walls of the aorta and its main branches. Claimant first received a diagnosis of TAK in or about October 2015 after an incident of severe abdominal pain while he was driving truck in Canada. Claimant was life flighted from Montana to Idaho Falls to address the condition. Medical providers prescribed immunosuppressive medication with success in suppressing the TAK, however the medication Methotrexate had a debilitating effect on Claimant, causing him severe fatigue and later serving as the impetus for his Social Security Disability application. At the time of the industrial injury in 2018, Claimant's TAK was in remission and had been re-diagnosed as simple arteritis; Claimant was taken off of Methotrexate and felt "100% better," recovered enough to return to work. He received steroid therapy instead of Methotrexate in the event that he had a flare-up. Claimant did not have any permanent work restrictions because of this condition after being taken off of Methotrexate and did not have any permanent partial impairment as a result of it. Ex. 23 at 4-5; Tr., 23:18-24:3; 26:9-28:4; 52:19-53:20; Claimant's Dep., 32:1-38:6; 53:8-54:22.

5. ***Discoid Lupus Erythematosus (DLE)***. DLE is an autoimmune skin condition that causes red, scaly, inflamed patches of skin on sun exposed areas. Claimant reported that his DLE responded favorably to treatment with steroids and did not affect his ability to work in any way. Claimant did not have any permanent work restrictions and did not receive any permanent partial impairment as a result of this condition. Ex. 23:5.; Claimant's Dep., 57:4-59:5.

6. ***Low Back & Foot Drop***. Claimant underwent an MRI in March 2016 which showed a non-surgical L4-5 protrusion. Claimant was also diagnosed with foot drop at this time.

The condition resolved with exercise and his foot drop disappeared before he went to work for Hill & Sons. Although the Social Security physician, Dr. Song, placed light duty restrictions on Claimant due to his low back and foot drop, these conditions resolved. Claimant did not have any work restrictions due to either his low back or foot drop, nor did he have any permanent partial impairment. Ex. 23:5; Tr., 55:13-56:8.

7. ***Hearing Loss***. Claimant wore hearing aids since approximately 2006. He attributed the need for them to not wearing hearing protections around heavy equipment. He had no work-related restrictions associated with hearing loss nor did he have any permanent partial impairment due to it. Ex. 23:5.

8. ***Grave's Disease***. Graves disease is an autoimmune disease that causes the immune system to attack healthy tissue in the thyroid. Claimant received this diagnosis approximately in 1990 and underwent radium therapy for his thyroid. Thereafter, he took thyroid replacement hormone medication and had no further symptoms nor any permanent effect on his ability to work. He did not have any work restrictions, nor any permanent partial impairment associated with this condition. Ex. 23:5; Claimant's Dep., 43:9-44:22.

9. ***Heart Attacks***. Claimant had two heart attacks in 1992 but has had no further heart attacks since then. The condition did not affect his ability to work. Claimant was put on cholesterol and blood pressure medication and has been followed by the Idaho Heart Institute since his heart attacks. Claimant did not have any work restrictions, nor any permanent partial impairment associated with this condition. Ex. 23 at 5; Tr., 22:2 – 23:11.

10. ***Antiphospholipid Syndrome***. Antiphospholipid syndrome is a condition in which the immune system mistakenly creates antibodies that attack the body's tissues. It can cause blood clot. In March 2016, Claimant suffered a left leg deep vein thrombosis (DVT), and right

pulmonary embolism related to the condition. He was put on blood thinning medications and did well thereafter with no reported permanent effects on his ability to work, nor any permanent partial impairment associated with it. Ex. 23:6.

11. ***Neck***. Claimant underwent neck surgery in 1991 to repair three discs in his cervical spine. He returned to work thereafter and it had no permanent effect on his ability to work. He had no work restrictions or permanent partial impairment as a result of this condition. Ex. 23:6; Tr., 20:15-21:25.; 45:2-13; Claimant's Dep., 39:4-42:17.

12. ***Right Thumb***. Claimant "sliced" his right thumb in an on-the-job accident at an unspecified date. After receiving treatment, he experienced no further problems with the injury. He had no work restrictions nor any permanent partial impairment as a result of this condition. Ex. 23:6; Claimant's Dep., 45:2-19.

13. ***Tobacco Abuse***. Claimant was a daily smoker since he was a teenager. At the time of his industrial accident, he reported smoking ¾ pack a day. There is no known work restrictions associated with Claimant's use of tobacco nor any permanent partial impairment. Ex. 23:6.

14. ***Various Medical Conditions***. Prior to his industrial injury, Claimant was diagnosed and treated for various and miscellaneous medical conditions, including dyslipidemia, enlarged prostrate, peptic ulcer disease, vertigo, hypertension, and skin cancer. All were successfully treated or managed medically without resulting in permanent work restrictions or any permanent partial impairment. Ex. 23:6-7.

15. None of Claimant's preexisting conditions or diagnoses were rated for impairment. In response to ISIF's Interrogatory No. 18, Claimant answered as follows:

> **Interrogatory No. 18:** Prior to Claimant's employment by the named employer herein, did Claimant suffer from any permanent physical impairment from any

> cause or origin? In this regard, a "permanent physical impairment" is any anatomic or functional abnormality or loss after maximal medical rehabilitation has been achieved, and which abnormality or loss, medically, is considered stable or non-progressive at time of evaluation, and which affected the Claimant's personal efficiency in the activities of daily living, such as self-care, communication, normal living postures, ambulation, elevation, traveling and non-specialized activities of bodily members.
>
> **Answer No. 18:** None.

16. **Social Security Disability and Return to Work**. Claimant stopped working in or about 2015 after the TAK incident in Canada. Claimant applied for and received Social Security disability benefits in 2015, and it was awarded in March 2016. Ex. 25. The basis for Claimant's SSD application was his TAK and AAA. Claimant's Dep., 69:10-14.

17. Claimant testified as follows regarding his application for Social Security Disability:

> Q. Why did you decide to apply for Social Security Disability?
>
> A. At the time, that's when they had me diagnosed with Takasu and also when my aneurysm had started growing, and it had gotten big enough to where they took my medical card away from to where I was unable to drive [long haul truck driving].

Claimant's Dep., 63:2-8.

18. Claimant did not work for almost three years beginning in October 2015. He then returned to work, this time with Hill & Sons Excavating LLC as a part-time, on-call dump truck driver in or about August 2018. He worked for Hill & Sons for approximately a month prior to his industrial accident. Claimant's Dep., 71:2-72:25.

19. **Industrial Accident**. Claimant was working as a dump truck driver for Employer Hill & Sons on September 28, 2018, when he injured his right hand. Claimant and his coworkers were hauling gravel to a subdivision that was under construction when a rock became lodged between the truck bed and tailgate of Claimant's dump truck. He attempted to dislodge the rock,

however the tailgate slipped and slammed on Claimant's right (dominant) hand and crushed his right-hand index finger. Tr., 32:2-25; Claimant's Dep., 78:23-79:16.

20. **Medical Treatment Following Accident**. Immediately following the accident, Claimant received transport on September 28, 2018, to the emergency room of Eastern Idaho Regional Medical Center (EIRMC). William Wilson, M.D., evaluated him. Dr. Wilson diagnosed an acute angulation of Claimant's right index finger in the proximal phalanx and a laceration of the adjacent finger as well. Also identified was an apex volar fracture of the mid proximal phalanx of the right index finger. It was too late to take Claimant to surgery that day, so he was held overnight in the hospital. Ex. 16:1-2.

21. Dr. Wilson performed surgery the following day, on September 29, 2018. The procedures performed included the following: 1.) debridement of the index finger wound, and 2.) open reduction and pinning of the index finger proximal phalanx. Claimant was then discharged from the hospital. Ex. 16:3-4.

22. Dr. Wilson examined Claimant in follow-up office visits on October 22, 2018, and November 26, 2018. Dr. Wilson removed pins from the right index finger that had been placed during the operation. Ex. 18:1-2.

23. At a sixth month follow-up office visit on March 25, 2019, Claimant described "continued limited range of motion of the right index finger." He further described "the fact that he can work with this hand though it is still weak." Dr. Wilson advised Claimant that there were three options as follows: 1.) continued expectant observation coupled with possible administration of a non-opioid pain medication; 2.) the next option would be a release of the MPJ of the right index finger, a dorsal capsulotomy, to establish a better range of motion at the MPJ, essentially a fusion; and 3) some level of amputation to ameliorate the discomfort in the

right index finger and remove its intrusion into hand function. Claimant expressed reluctance at the amputation option. Ex. 18:9.

24. Claimant returned for a final office visit with Dr. Wilson on May 6, 2019. Dr. Wilson advised Claimant that there was no expectation for further improvement without a ray amputation of Claimant's right index finger. The remaining digits were fully mobile. The alternative was to proceed with an amputation, which Claimant declined, "especially in light of the fact that he feels he has accommodated much of the function of this hand for most of his tasks as it is." Because Claimant did not wish to proceed with an amputation, Dr. Wilson declared him at MMI. Dr. Wilson calculated an impairment rating at 18% for the whole person. He released Claimant with no work restrictions. *Id*. at 10-11.

25. **Return to Work**. Claimant returned to work for Hill & Sons following his industrial accident. He then switched to working for his neighbor Larry Voss as a dump truck driver. He was still employed part-time by Voss at the time of hearing. Tr., 62:22-63:22.

26. Claimant applied for other work but did not find any, other than his employment with Larry Voss. He sought work with Knife River Construction, Jake Fyfe Trucking, Crapo Trucking, and some other employers. Claimant was told that he "couldn't be hired." Tr., 38:9-39:13.

27. **Testimony of Chad Harding**. The hearing testimony of Chad Harding was preserved in a deposition taken on May 3, 2024. Mr. Harding was the manager of Hill & Sons Excavating in St. Anthony, Idaho. Harding Dep., 7:8-12. In that capacity, he hired Claimant to work as a part-time, on-call dump truck driver: "We hired him. If I recall, he could only work so much, kind of on a part-time, as-needed basis. So, we hired, and he was here for a while. It

wasn't full-time. He was hired, and it fit the parameters of what he was able to work." [2] Harding Dep., 9:6-10.

28. Claimant had the ability to work a full day, if Harding called him in to do so. *Id*. at 10:19-21.

29. Claimant suffered an injury on the job while working for Harding/Hill & Sons. *Id*. at 10:22-24. Claimant came back to work for Harding after his injury following medical treatment. "He [Claimant] had come back with his finger kind of bandaged up and kind of in a splint. He was able to drive. He worked before they did the surgery and after." *Id*. at 11:14-17.

30. Although the employer's dump trucks all had manual transmissions, Claimant was able to operate a truck with a splint and bandaged fingers. *Id*. at 11:18-23. It was not a requirement of the job for Claimant to have to shovel out the truck bed. *Id*. at 12:16-20.

31. Claimant stopped working for Hill & Sons because he began working for a competitor, Larry Voss, as dump truck driver, so Harding hired another truck driver. *Id*. at 13:14-14:4.

32. Over the years - since Claimant's employment with Hill & Sons in 2018, Mr. Harding has observed Claimant driving dump trucks for Larry Voss. *Id*. at 16:6-20. Claimant also told Mr. Harding that he was able to drive a manual dump truck for Larry Voss. *Id*. at 19:19-21. Claimant told Mr. Harding that he could drive "just fine," even though he had a condition of his right hand. *Id*. at 20:9-12.

33. Mr. Harding testified as follows regarding the market for dump truck drivers in the region of Hill & Sons:

[2] It is reasonable to conclude that Claimant only sought part-time work to preserve his Social Security Disability which he had been awarded and which had limitations on how much earned income a recipient may have. There is no indication in the record that Claimant had any medical limitation which restricted him to only part-time work.

Q. Do you know if other companies need drivers?

A. Yes. Most people I talk to are looking for drivers. It's kind of – it is a good market for a driver. If they have a CDL, they are making a pretty good wage just because there is a shortage of drivers.

Q. So, in your area, if someone has a CDL, and experience driving dump trucks, even if they're older - would they have difficulty finding employment?

A. Not as a dump truck driver, no. I have been basically hiring all spring. I have been able to hire a couple.

I have tried to hire three or four others that got a different offer and went with a different company. So even people I have tried to hire have had multiple offers.

Harding Dep., 20:18-21:8.

34. **Independent Medical Examination**. On April 1, 2019, Dr. Qing-Min Chen, M.D., orthopedic surgeon, delivered an IME report to the attention of Hill & Son's Surety, the Idaho State Insurance Fund. Dr. Chen reviewed the medical records relevant to the treatment of Claimant's right hand injured in the industrial accident. He also conducted a physical examination of Claimant. *See*, Ex. 19.

35. Dr. Chen opined that Claimant had not reached maximum medical improvement from his hand condition. *Id*. at 6. He made the following recommendation for further treatment:

At this point, the right index finger is nonfunctional. It is actually a liability and causing detriment to the rest of his fingers on the right hand. Unfortunately, I think this gentleman will need a ray amputation for that right index finger. This is a salvage operation to allow the rest of his right hand to perform normally, which includes making a full composite fist and to increase his grip strength down the road as well as to help with the pain in that index finger. After that surgery, I would expect the frequency of treatment to be postop two weeks, six weeks, three months, and possibly to six-month mark. I would expect him to reach MMI within three months.

My prognosis for him is guarded in that he will likely require an amputation to that right index finger. After the amputation is performed, I do believe that his right-hand function will improve. Obviously, will not be back to baseline or pre-accident status, but much better than where he is today.

Ex. 19:7.

36. Despite the recommendations of both his treating surgeon Dr. Wilson and his IME physician Dr. Chen, Claimant did not consent to have a ray amputation of his right index finger. *See*, Ex. 18:10-11. Claimant explained that he was just not willing to "take the gamble" of possibly losing more mobility than what he had with the hand in its then-condition. Ex. 23:10.

37. **Functional Capacity Examination**. Claimant underwent an FCE with Briggs Horman, PT, of Peak Performance Therapy on August 20, 2019. *See*, Ex. 20. PT Briggs summarized his finding as follows:

> This client has undergone a Functional Capacity Evaluation and met the **Medium** Physical Demand Classification of Worker. I believe Jerry performed with his best efforts in today's **FCE**. He scored below the 90th percentile for 6 of the static tests. The other three static tests he was only 20, 37, 45 percentiles.

Ex. 20:5.

38. **Kent Granat Vocational Evaluation & Addendum**. Mr. Granat delivered a Vocational Evaluation to the attention of Claimant's counsel on October 14, 2019. *See*, Ex. 21.

39. Mr. Granat noted that Claimant's work experience and career had consisted primarily of semi-skilled medium physical demand truck driving positions. *Id*. at 1.

40. Mr. Granat met with Claimant for a two-hour interview on September 21, 2019. He noted that Claimant was awarded Social Security Disability in 2015. The basis of the award according to Mr. Granat was the records review of Dr. Song, who found that Claimant's AAA was "primary and severe." Dr. Song apparently limited Claimant to light physical demand for work.[3]

41. After the Social Security award, Claimant returned to work as a light physical demand truck driver (Hill and Sons). Ex. 21:1. Claimant reported to Mr. Granat that he had been

found eligible for Social Security Disability on the basis of his TAK diagnosis and the ensuing medical problems associated with it. *Id*. at 2.

42. Claimant reported his work injury to Mr. Granat, and the recommendation from his physician to amputate his right index finger, however Claimant decided not to have the amputation because he could "get by" as he now finds himself. Ex. 21:2.

43. Claimant reported the following specific right upper extremity restrictions to Mr. Granat:

> - For right hand grasping he cannot perform a tight grip;
> - Cannot lift over 10 pounds with right hand;
> - Cannot grip small objects;
> - Cannot grasp with the right hand the steering wheel to drive; instead, he uses only his left hand to drive; can shift gears using palm of his right hand;
> - Is able to button his shirt and tie his shoes but is much, much slower doing these things, and uses his right thumb and right middle finger on the laces of his boots;
> - His right hand for many functions has become a helper hand, giving as an example, lifting a 40-pound bag of pellets.
>
> Mr. Wilson reports he cannot perform the following activities any longer: operate a chain saw; cut wood for a wood stove at home; perform raking; tie or bait fishhooks. He notes that he now has to stop the truck when he is driving part-time in order to text on the cell phone. He now needs to use both hands, even when using a phone holder, to look up and "punch in" addresses.

Ex. 21 at 2.

44. Claimant reported to Mr. Granat an ability to adequately read, write, and perform math, after having attended high school through the 11th grade. In 1976 he obtained a commercial driver's license (CDL). Claimant took a typing class in high school and was able to use a keyboard and has had employment (truck dispatcher, for example) requiring the use of a computer. *Id*. at 8.

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[3] The records and reports of Dr. Song are not in the record of this proceeding.

45. Based on the records of the IME doctor (Dr. Chen), the treating surgeon (Dr. Wilson), and the FCE, Mr. Granat determined the following Residual Functional Capacity (RFC) for Claimant: - overall strength is at a light physical demand; avoid repetitive right-hand grasping/gripping; avoid repetitive right-hand fingering, fine motor dexterity and assembly; occasional stooping and crouching; and cold intolerance. *Id*. at 10.

46. Mr. Granat found the following job titles to be relevant to Claimant's employment history: tractor trailer truck driver; manufactured home worker; heavy truck driver; cement truck driver; dump truck driver; dispatcher; and driver supervisor. Of these occupations, five are at a medium physical demand level, one is at a light physical demand level, and one is at a sedentary physical demand level. *Id*. at 11.

47. Mr. Granat determined that Claimant had an average labor market access loss of 91%, because he could not return to six of his seven past relevant jobs, and the job he could arguably return to was performed over 20 years ago (truck dispatcher.). Furthermore, Claimant was restricted to light physical demand work as a result of the "2015" aortic aneurysm;[4] he would be unable to perform 29 jobs out of 31 jobs in his labor market as a result. Ex. 21 at 12.

48. Mr. Granat concluded that at the time of his industrial injury to his right index finger, Claimant was capable of performing light physical demand positions. Now, because of the industrial injury, Claimant had restrictions on the use of his right hand and fingers for grasping and fingering. *Id*. at 13.

49. Mr. Granat concluded that Claimant's right-hand disfigurement, which was unnatural in appearance, was a factor in his employability. *Id*.

[4] Here it appears that Mr. Granat conflated Claimant's AAA with his TAK, which was the basis of the 2015 incident in Alaska that then resulted in Claimant submitting a Social Security Disability application.

50. Mr. Granat determined that Claimant's age at time of evaluation, 61 years, was in the "advanced age" work category of Social Security, and this should be given consideration in his employability. *Id*.

51. Mr. Granat concluded that Claimant had attempted other types of employment without success following the industrial injury (ignoring the fact that Claimant was still employed part-time by Larry Voss as a dump truck driver.). *Id.*

52. Mr. Granat determined that any efforts to find suitable employment for Claimant would be futile. *Id*. at 14.

53. Mr. Granat's ultimate conclusion was that Claimant had a restricted labor market following the "2015" aortic aneurysm. He was limited to light duty truck driving and did so on a part-time basis. The 2018 work injury restricted Claimant's labor market access even further, resulting in a 91% loss of labor market access. Ex. 21 at 15.

54. Mr. Granat concluded that Claimant is permanently and totally disabled and meets the definition of an "odd lot" worker. He further concluded that Claimant had a subjective hindrance or obstacles to employment that combined together to render him permanently and totally disabled. Ex. 21 at 16.

55. Mr. Granat observed that Claimant had attempted three different jobs without success after his "2019" work injury – as a heavy equipment operator for Larry Voss, but he was unable to coordinate between his right and left hands to safely[5] operate the equipment; as a truck driver hauling potatoes and grain, but he was unable to tarp and un-tarp the loads; and as a truck

[5] The issue of safety will be addressed further in the discussion of Mr. Granat's deposition. It suffices to say here that the issue of safety was a personal opinion of Mr. Granat and not due to the conclusions of any doctor or physical therapist that Claimant could not safely drive a dump truck.

driver hauling hay, but he was unable to tie down the load with straps and throw the straps over the loads. *Id* at 25.

56. On April 23, 2024, Mr. Granat authored a Vocational Evaluation Addendum Report. *See*, *Id*. at 17. To prepare the report, Mr. Granat considered additional information, including that obtained in a telephone interview of Claimant and a thirty-minute video discussion between Claimant and Chad Harding. *Id*. This time Mr. Granat concluded that Claimant had suffered a 97% loss of labor market access. Ex. 21 at 27. Mr. Granat did not change his judgment about Claimant's total and permanent disability or his opinion that Claimant met the definition of an "odd lot" worker, or his opinion that Claimant had a subjective hindrance to employment that combined together to make him totally and permanently disabled. *Id.* at 27-28.

57. **Kent Granat Deposition**. Mr. Granat's deposition was taken on July 10, 2024. Granat Dep., 1:12-13.

58. Mr. Granat holds a master's degree in human resources from Cornell University. For 15 years he has had his own private HR consulting firm. Eighty percent of his work comes from providing Social Security Disability testimony, and 20% as a vocational expert in other cases, such as workers compensation. *Id*. at 5:8-17.

59. Mr. Granat reviewed the hearing transcript and the 30-minute video as part of his work for the addendum report. He did not review Barbara K. Nelson's vocational report. *Id*. at 9:1-16.

60. Mr. Granat gave great weight to the Social Security Disability determination in Claimant's case and the Social Security doctor's opinion (Dr. Song). *Id*. at 12:4-9.

61. Mr. Granat testified as to the subjective hindrances to Claimant's employment prior to the industrial injury, as follows:

Q. And subjective hindrances to his employment. In 2021, like talked about in his testimony in his hearing transcript, he got that aortic aneurysm, quote-unquote, fixed.

Does that change your opinion at all about how that could or could not be a preexisting impairment that's a subjected [sic subjective] hindrance?

A. Well, I think it depends on the kinds of restrictions he had before the right-hand injury. Did he have problems with his back? Yeah. Did he have problems with his heart? Yeah. Did he also have age-related issues? Just getting tired? Sure. So, it seems like all of those things were part of the package as opposed to just restricting the heart.

Granat Dep., 14:11-24.

62. Under cross examination, Mr. Granat admitted that he did not know who Larry Voss is, and that he never talked to Claimant's current employer. *Id*. at 17:23-3. He admitted, however, that Claimant was currently employed part-time. *Id*. at 18:4-9. Mr. Granat further admitted that he had not read Chad Harding's deposition. *Id*. at 18:12-14.

63. Mr. Granat admitted that prior to the 2018 industrial accident, although Claimant was limited to light duty demand work, in Granat's opinion Claimant was not limited from performing full-time work. *Id*. at 19:12-25.

64. Mr. Granat admitted that he did not know what TAK is or that Claimant applied for Social Security Disability based upon in part his TAK diagnosis. He admitted further that he did not know when Claimant had first been diagnosed with AAA (it was in 1994). *Id*. at 21:4-15.

65. Mr. Granat admitted that Claimant was able to work full time at medium duty, physical demand jobs for over 20 years after first being diagnosed with AAA in 1994. *Id*. at 21:16-22.

66. The following colloquy occurred between Mr. Granat and ISIF's counsel regarding the precipitating event for Claimant's Social Security Disability award:

Q. Okay. So, let me ask you this: After his – so what was the event that caused him to go on Social Security Disability? Medical event.

A. It doesn't have to be a specific medical event. It can be a combination of things that has the person say I don't think I can work – I think I'm disabled, and I want to apply.

Q. What happened – what happened to him? He's able to drive for 20 years with an aortic aneurysm, with a back problem. What changed in 2015? Are you even aware?

A. I think there was an incident in North Carolina or something.

Q. It was in Canada.

A. Okay.

Q. That's when he was diagnosed with Takayasu arteritis [TAK] for the first time. Did you know that Takayasu arteritis is fatal in five years?

A. I read that today.

Q. Okay. And so, you don't know – you can't tell by looking at your report or looking at the record whether the Social Security Disability expert looked at that and goes, this guy is going to die, and he shouldn't probably be working and therefore he's disabled?

A. If that were the case, I would think it would be written a little bit differently.

Q. We don't have that report [Dr. Song's] in the record, so we don't know?

A. We do not.

Q. Okay. So, do you recall reading Mr. Wilson's testimony about how the medication he took for his Takayasu arteritis affected his well-being and his ability to engage in physical activity?

A. I can remember that, yeah.

Q. And what did he say?

A. That it was – he was just having a difficult time having the energy to go about his daily life.

Q. Practically ruined his life is what he testified to, is that right? Is that correct?

A. Yes.

Q. And then he got off it [Methotrexate] in 2017. He felt good enough to try to find work, correct?

A. Correct.

Granat Dep., 23:14-25:9.

67. Mr. Granat admitted that when Claimant returned to work in 2018, he was able to find part-time work with a competitively hiring employer [Hill & Sons]. *Id*. at 25:22-26:3. He further admitted that although it was part-time work, Claimant was able to work a full 8-hour day prior to his accident. Granat Dep., 26:15-22.

68. Mr. Granat admitted that Claimant demonstrated an ability to work an 8-hour day in a medium-duty job for Hill & Sons. *Id*. at 27:12-28:15.

69. Mr. Granat was aware that Claimant testified that as he got off the Methotrexate, he felt that he could work a full-time job even if it meant just driving a dump truck on a full-time basis. *Id*. at 30:16-21.

70. Although Claimant was limited to light-duty work following the Social Security determination, Mr. Granat admitted that it wasn't necessarily limited to part-time. *Id*. at 33:1-6.

71. Mr. Granat misapprehended that Claimant's aortic aneurism was diagnosed first in 2015. He was confused about "whatever the heart condition was in Canada." *Id*. at 34:12-25. He attributed the information about AAA in 2015 to Dr. Song, whose report is not in the record. *Id*. "Q. Here's my point. If Dr. Song is wrong, then your opinions are wrong, correct? A. Does that mean that all of my opinions are wrong. Not even close." *Id*. at 35:11-14.

72. Counsel for ISIF challenged Mr. Granat's assertion that Claimant was unsafe to drive a truck, as follows:

Q. Why is he unsafe to drive? He's been doing it for four or five years after the accident. Isn't that better determined by the market and the employer?

A. No.

Q. Is there any medical record, any doctors' opinions that he is unsafe to drive based upon his medical?

A. Not from a doctor, no.

Q. Just from you?

A. That is me listening to him and putting on a human resources hat.

Granat Dep., 41:5-16.

73. **Barbara K. Nelson Vocational Evaluation**. Barbara K. Nelson, M.S., delivered a vocational evaluation dated April 24, 2024, to the attention of ISIF's counsel. *See*, Ex. 23. Ms. Nelson's credentials are known to the Commission.

74. To prepare her report, Ms. Nelson reviewed the following: both pre-injury and post-injury relevant medical records; Social Security Administration records; Kent Granat's reports; and the Deposition of Claimant. She also interviewed Claimant via Zoom in November 2023. *Id*. at 1-2.

75. In order to establish any functional capacities that may have been lost by Claimant following his industrial injury, Ms. Nelson found it important to review his preinjury level of function. Claimant had been diagnosed with several medical issues prior to his industrial injury of September 28, 2018, including the following: AAA, TAK, DLE, low back, hearing loss, Grave's Disease, heart, antiphospholipid syndrome, neck, right thumb, tobacco abuse, and various other medical conditions, including dyslipidemia, enlarged prostrate, peptic ulcer disease, vertigo, hypertension and skin cancer. Ex. 23 at 4-7. She found that none of Claimant's preexisting conditions resulted in permanent physical impairments or work restrictions. *Id*.

76. Ms. Nelson reviewed all relevant post-injury medical records. *See*, *Id*. at 7-9.

77. Ms. Nelson reviewed Claimant's subjective complaints recounted in the interview. Claimant had told Ms. Nelson that both of his arms have weakened following the industrial accident. Claimant also stated to Ms. Nelson that he did not want to "take the gamble" of having his right index finger amputated, as was recommended by his treating physician. *Id*. at 10.

78. In reviewing Claimant's job prospects, Ms. Nelson noted that he had no work-related restrictions from a physician, and his FCE shows that he had the ability to perform medium-level work. Ms. Nelson identified the following job titles from current job openings in Claimant's job market that Claimant could perform: dump truck driver, truck driver, shuttle driver, and delivery driver. Ex. 23 at 17-18.

79. Ms. Nelson called Bybee Construction and spoke with the owner Greg. The company runs a gravel pit and typically hires three full-time dump truck drivers and one part-time at any given time. Greg responded favorably that he would hire a dump truck driver with an impaired right hand who was able to shift gears with the palm of his hand. His dump truck drivers are not required to shovel and there are no loads to be tarped. *Id*. at 20.

80. Ms. Nelson called another gravel pit company, Zollinger Construction, and received a similar response to that of Bybee Construction. *Id*. at 21.

81. For her disability recommendations and implications for ISIF liability, Ms. Nelson noted that although Claimant "had preinjury medical conditions, they had either resolved or were asymptomatic and non-disabling at the time of his industrial injury in 2018." *Id*. at 18. Thus, "there is no way to establish that Mr. Wilson's preexisting conditions were subjective

hindrances to his employment or that they combine with any postinjury restrictions to result in total disability." *Id*.

82. Ms. Nelson concluded that Claimant had not been given restrictions related to his right finger injury of 2018 that would be considered significantly disabling. Furthermore, Ms. Nelson's review of Claimant's labor market indicated that showed "a number of potential job opportunities that were within his skill level and tested functional capacities." *Id*. at 18-19.

83. **Nelson Deposition**. Barbara K. Nelson's deposition was taken on July 22, 2024. Ms. Nelson's credentials are known to the Commission.

84. Ms. Nelson indicated that she had been retained by ISIF "to do a disability analysis, paying particular attention to whether the individual is permanently and totally disabled, and if he is, whether it is the result solely of his industrial accident or a combination of his industrial accident with pre-injury factors." Nelson Dep., 7:18-23.

85. Ms. Nelson reviewed additional information after she completed her report. The additional information included the deposition of Chad Harding, the hearing transcript, and the post-hearing deposition of Kent Granat. Nelson Dep., 8:24-9:1. This additional information did not change her opinions contained in the report. *Id*. at 9:2-5.

86. Ms. Nelson opined that prior to his industrial accident of 2018, there were no restrictions on Claimant's physical activities imposed by his physicians. *Id*. at 13:12-16.

87. With regard to the report of Dr. Song, associated with the Social Security Administration, Ms. Nelson noted that Dr. Song did not actually examine Claimant but rather only reviewed medical records. In this case, Ms. Nelson placed more weight on the opinions of Claimant's treating physicians than the report of Dr. Song, based upon the following factors:

> The first thing is that Dr. Song's restrictions were pretty dated. They were from almost ten years ago. They were from nine years ago, I guess.

> Mr. Wilson's conditions had changed since she offered her opinion about restrictions. At the time she wrote her report, he was suffering with foot drop and back pain.
>
> The foot drop completely healed. The back condition didn't become necessarily asymptomatic, but it was certainly non-disabling.
>
> She [Dr. Song] put a lot of emphasis on the AAA, which was interesting because in all the medical records it was described as quite small, asymptomatic, and non-leaking.
>
> He [Claimant] was instructed to follow along every six to twelve months with tests and to see a doctor [to monitor his AAA]. So, I thought that her restrictions, based on that, were extreme.

Id. at 14:13-15:5.

88. Dr. Song's restrictions placed Claimant in the light category of work demand, according to Ms. Nelson. *Id*. at 15:6-8. The restrictions were imposed by Dr. Song as a result of Claimant's back condition, foot drop, and AAA. *Id*. at 15:13-18.

89. Ms. Nelson noted that the incident that prompted Claimant to apply for Social Security Disability was the "flare up of his arteritis while driving interstate. He was actually driving in Canada. He had a severe attack and had to be eventually life-flighted back to the United States, back to Idaho Falls, for treatment." *Id*. at 15:19-25.

90. Ms. Nelson noted that Claimant was still working for Larry Voss as a part-time, on-call dump truck driver as of the time of her deposition and had been working for Voss for approximately five years. *Id*. at 26:14-23. Ms. Nelson's opinion was that Larry Voss was not a "sympathetic" employer for Claimant; "This guy [Claimant] is a good truck driver. Voss – I am sure – feels very fortunate to have him in his employ." *Id*. at 26:24-27:13.

91. Ms. Nelson opined that there was a brief period of time that Claimant's "foot drop and residuals that were going along from his TAK and the Methotrexate really did render him

unemployable." *Id*. at 27:19-22. Nevertheless, those "conditions improved, and he was able to return to the workforce. None of the other diagnoses resulted in permanent impairment or any permanent restrictions." *Id*. at 27:23-28:1.

92. Ms. Nelson opined that Claimant did not meet the criteria for an odd lot worker and permanent disability because "he is working and he is working at a very similar status to what he had pre-injury, if not identical status, and because there are other jobs available in the regional area for which he could reasonably compete if he were lose his current job." *Id*. at 30:13-17.

93. Counsel asked Ms. Nelson to opine on ISIF liability as follows:

> Q. Let's just assume, for sake of argument, that the Commission agrees with Mr. Granat that he is totally and permanently disabled. Based upon your familiarity with the record, does Mr. Wilson's case meet the combined with element of ISIF liability?
>
> A. In my opinion, it does not.
>
> Q. Why not?
>
> A. Because there was no pre-existing impairment rating ever given. Without impairment, you don't have disability. There were no pre-existing permanent restrictions given.

Nelson Dep. at 32:14-24.

DISCUSSION AND FURTHER FINDINGS

94. The provisions of the Idaho Workers' Compensation Law are to be liberally construed in favor of the employee. *Haldiman v. American Fine Foods*, 117 Idaho 955, 956, 793 P.2d 187, 188 (1990). The humane purposes which it serves leave no room for narrow, technical construction. *Ogden v. Thompson*, 128 Idaho 87, 88, 910 P.2d 759, 760 (1996). Facts, however, need not be construed liberally in favor of the worker when evidence is conflicting. *Aldrich v. Lamb-Weston, Inc.*, 122 Idaho 361, 363, 834 P.2d 878, 880 (1992).

95. **Disability**. The first prerequisite to ISIF liability is a finding that Claimant is totally and permanently disabled. *See*, *e.g.*, *Hope v. Industrial Special Indemnity Fund*, 157 Idaho 567, 571, 338 P.3d 546, 550 (2014).

96. "Permanent disability" or "under a permanent disability" results when the actual or presumed ability to engage in gainful activity is reduced or absent because of permanent impairment and no fundamental or marked change in the future can be reasonably expected. Idaho Code § 72-423. "Evaluation (rating) of permanent disability" is an appraisal of the injured employee's present and probable future ability to engage in gainful activity as it is affected by the medical factor of permanent impairment and by pertinent nonmedical factors provided in Idaho Code § 72-430." Idaho Code § 72-425.

97. The test for determining whether Claimant has suffered a permanent disability greater than permanent impairment is "whether the physical impairment, taken in conjunction with nonmedical factors, has reduced Claimant's capacity for gainful employment." *Graybill v. Swift & Company*, 115 Idaho 293, 294, 766 P.2d 763, 764 (1988). In sum, the focus of a determination of permanent disability is on Claimant's ability to engage in gainful activity. *Sund v. Gambrel*, 127 Idaho 3, 7, 896 P.2d 329, 333 (1995).

98. Permanent disability is a question of fact, in which the Commission considers all relevant medical and nonmedical factors and evaluates the advisory opinions of vocational experts. *See*, *Eacret v. Clearwater Forest Industries*, 136 Idaho 733, 40 P.3d 91 (2002); *Boley v. State of Idaho, Industrial Special Indemnity Fund*, 130 Idaho 278, 939 P.2d 854 (1997). The burden of establishing permanent disability is upon Claimant. *Seese v. Ideal of Idaho, Inc.*, 110 Idaho 32, 714 P.2d 1 (1986).

99. Total permanent disability may be established under the 100% method or the Odd-Lot Doctrine. Under the 100% method, Claimant must show his medical impairment, and nonmedical factors combine to demonstrate that Claimant is 100% disabled. Under the Odd-Lot Doctrine, Claimant must show he was so injured that he can perform no services other than those which are so limited in quality, dependability, or quantity that a reasonably stable market for them does not exist, absent business boom, the sympathy of the employer, temporary good luck, or a superhuman effort on Claimant's part. *See, e.g. Carey v. Clearwater County Road Dept.*, 107 Idaho 109, 112, 686 P.2d 54, 57 (1984).

100. Claimant has the burden of proving Odd-Lot status. *Dumaw v. J. L. Norton Logging*, 118 Idaho 150, 153, 795 P.2d 312, 315 (1990). He may establish total permanent disability under the Odd-Lot Doctrine in any one of three ways: (1) by showing that he has attempted other types of employment without success; (2) by showing that he or vocational counselors or employment agencies on his behalf have searched for other work and other work is not available; or (3) by showing that any efforts to find suitable work would be futile. *Lethrud v. Industrial Special Indemnity Fund*, 126 Idaho 560, 563, 887 P.2d 1067, 1070 (1995).

101. Claimant has not argued that he is totally and permanently disabled pursuant to the 100% method but has argued that he is totally and permanently disabled pursuant to the Odd-Lot Doctrine. *See*, Claimant's Opening Brief at 11-13. Therefore, if Claimant is to be considered totally and permanently disabled, it must be pursuant to the Odd-Lot Doctrine.

102. When Dr. Wilson released Claimant from his care on May 6, 2019, he did not impose any work restrictions. Claimant has been working for over five years since his industrial accident as a part-time, on-call, dump truck driver. Mr. Granat admitted that this was "successful" employment. Furthermore, no vocational counselor or employment agencies

searched for other work on Claimant's behalf. Finally, efforts to find suitable employment would not be futile because Claimant is currently employed by Larry Voss and Ms. Nelson identified several other employers in his labor market with available jobs driving dump trucks.

103. As of the date of hearing, Claimant was still employed as a part-time dump truck driver, the same occupation that he had prior to the industrial accident. There is no evidence that Claimant's employment with Larry Voss is employment by a sympathetic employer, that it is due to a business boom, that Claimant must endure a superhuman effort to remain employed in that capacity, or that it is the result of temporary good luck. Rather, the evidence shows that it is competitive employment for which Claimant is very well qualified and which he has pursued for over five years.

104. Mr. Granat asserted that Claimant's employment as a truck driver is unsafe, because he is required to shift gears with an impaired hand. Nevertheless, no doctor has opined that such work is unsafe, and, in fact, Claimant was released to return to work without restrictions by Dr. Wilson.

105. The advisory opinion of Barbara Nelson is more credible than that of Mr. Granat. Mr. Granat opined that Claimant was Odd Lot totally and permanently disabled. Nevertheless, Mr. Granat got several facts plainly wrong about the factual record and his opinion is flawed. First, he relied upon the opinions of the Social Security doctor Dr. Song. The opinions of Dr. Song cannot be relied upon here because they are not of record in this proceeding. Furthermore, Dr. Song's opinions are outdated because the conditions which Dr. Song considered disabling have resolved. Second, Mr. Granat incorrectly assumed that, prior to Claimant's industrial accident, he was restricted to part-time employment. In his deposition, however, Mr. Granat admitted that no part-time restrictions were ever imposed. Third, Mr. Granat did not conduct a

labor market survey, nor did he contact potential employers to determine the demand for light dump-truck drivers, unlike Ms. Nelson who did contact specific employers who indicated that they had available work within Claimant's capabilities. Fourth, Mr. Granat misinterpreted the results of the August 2019 FCE which actually placed Claimant in medium physical capacity for work, post-accident, not light. Fifth, he concluded that Claimant's time of injury and subsequent employment was with sympathetic employers, despite the fact that Claimant had worked for five years successfully as a part-time dump-truck driver. Sixth, Mr. Granat conflated Claimant's AAA with his TAK and incorrectly assumed that his AAA developed in 2015. (It did not.)

106. Ms. Nelson, in contrast, convincingly concluded that Claimant was successfully employed prior to and following the industrial accident, and not with a sympathetic employer. Furthermore, she conducted a labor market survey, identified six jobs that were "quite promising," and she actually interviewed two employers who had available positions that were within Claimant's capabilities.

107. Ms. Nelson convincingly opined that Claimant was not Odd Lot totally and permanent disabled for several reasons. First, Claimant worked as a part-time, on-call light duty truck driver for a competitor of Employer, Larry Voss, for five years after the accident. Second, Larry Voss is not a sympathetic employer because there is a high demand for dump truck drivers in Claimant's labor market and employers have difficulties finding competent truck drivers. Third, Claimant's pre-existing conditions, including his foot drop, TAK/Methotrexate malaise, and AAA, among others, have all resolved.

108. The bottom line is that Claimant was unemployable only for a period of three years beginning in 2015 due to the effects of Methotrexate, which exhausted him. This was prior to the industrial accident. Once he got off Methotrexate, he became employable again and that is

when he became employed with Employer in 2018. The employment that Claimant had at hearing with Larry Voss is identical to that he had prior to the industrial accident with Employer. Furthermore, there are other, similar dump truck driving jobs available in Claimant's job market should he lose his job with Larry Voss. Meanwhile, none of Claimant's preexisting conditions were permanently disabling.

109. For all the foregoing reasons, there is insufficient evidence to find that Claimant is totally and permanently disabled pursuant to the Odd Lot Doctrine.

110. **ISIF Liability**. The foregoing discussion concludes that Claimant is not totally and permanently disabled, for multiple reasons. Nevertheless, assuming *arguendo* that Claimant is totally and permanently disabled, the following discussion lays out the requirements for ISIF liability and addresses whether Claimant meets those requirements.

111. Idaho Code § 72-332(1) provides as follows:

> If an employee who has a permanent physical impairment from any cause or origin, incurs a subsequent disability by an injury or occupational disease arising out of and in the course of his employment, and by reason of the combined effects of both the pre-existing impairment and the subsequent injury or occupational disease or by reason of the aggravation and acceleration of the pre-existing impairment suffers total and permanent disability, the employer and surety shall be liable for payment of compensation benefits only for the disability caused by the injury or occupational disease, including scheduled and unscheduled permanent disabilities, and the injured employee shall be compensated for the remainder of his income benefits out of the industrial special indemnity account.

112. In *Dumaw v. J.L. Norton Logging*, 118 Idaho 150, 795 P.2d 312 (1990), the Idaho Supreme Court specified the following four-part test for determining liability under Idaho Code § 72-332(1): 1.) Whether there was a preexisting impairment; 2.) Whether the impairment was manifest; 3.) Whether the impairment was a subjective hindrance to employment; and 4.) Whether the impairment in any way combines with the industrial injury in causing total

permanent disability. *Id*., 118 Idaho 155, 795 P.2d at 317. The party asserting ISIF liability (in this case, Claimant) bears the burden of proving all four elements. *Eckhart v. State Industrial Special Indemnity Fund*, 133 Idaho 260, 263, 985 P.2d 685, 688 (1999). *See also*, *Andrews v. State Industrial Special Indemnity Fund*, 162 Idaho 156, 158, 395 P.3d 375, 377 (2017).

113. ISIF liability fails because there were no preexisting, rated impairments prior to the industrial injury. While Claimant suffered from a number of health problems, including AAA and TAK, however none of them were rated for impairment. Claimant admitted in discovery that there were no preexisting permanent impairments. Accordingly, if Claimant is considered totally and permanently disabled, ISIF is not liable under I.C. § 72-332(1) because there were no preexisting permanent impairments.

CONCLUSIONS OF LAW

1. Claimant is not totally and permanently disabled.

2. ISIF is not liable for a portion of Claimant's total and permanent disability pursuant to Idaho Code § 72-332.

3. The *Carey* formula is not applicable.

RECOMMENDATION

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

DATED this 24th day of October 2024.

INDUSTRIAL COMMISSION

John C. Hummel

John C. Hummel, Referee

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

JERRY WILSON, Claimant, v. STATE OF IDAHO, INDUSTRIAL SPECIAL INDEMNITY FUND, Defendant.	**I.C No. 2018-027846** **ORDER** FILED NOV 08 2024 INDUSTRIAL COMMISSION

Pursuant to Idaho Code § 72-717, Referee John Hummel 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 recommendations of the Referee. The Commission concurs with these recommendations. Therefore, the Commission approves, confirms, and adopts the Referee's proposed findings of fact and conclusions of law as its own.

Based upon the foregoing reasons, IT IS HEREBY ORDERED that:

1. Claimant is not totally and permanently disabled.

2. ISIF is not liable for a portion of Claimant's total and permanent disability pursuant to Idaho Code § 72-332.

3. The *Carey* formula is not applicable.

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

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DATED this 7th day of November, 2024.

INDUSTRIAL COMMISSION

Thomas E. Limbaugh, Chairman

Claire Sharp, Commissioner

Aaron White, Commissioner

ATTEST:

Christina Nelson
Assistant Commission Secretary