BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

WILLIAM BATTEN, PERSONAL REPRESENTATIVE OF THE ESTATE OF MARGARET BATTEN, Claimant, v. ST. LUKE'S HEALTH SYSTEM, LTD., Self-Insured Employer, Defendant.	**IC 2021-008702** **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION** Filed August 28, 2025 Idaho 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 August 22, 2024 on bifurcated issues. Bob Pangburn represented Claimant. Matthew Pappas represented Defendants. The parties produced oral and documentary evidence at hearing and submitted post-hearing briefs. One post-hearing deposition was taken. The matter came under advisement on July 11, 2025.

ISSUES

The parties listed the following issues for this adjudication:

1. Whether Claimant has complied with the notice limitations set forth in Idaho Code § 72-701 through Idaho Code § 72-704, and whether these limitations are tolled pursuant to Idaho Code § 72-604;

2. Whether Claimant has complied with the filing requirements of Idaho Code § 72-706;

3. Whether Claimant suffered an injury from an accident arising out of and in the course of employment;

4. Whether the condition for which Claimant seeks benefits was caused by the industrial accident;

5. Whether Claimant's condition is due in whole or in part to a pre-existing injury or condition; and

6. Whether and to what extent Claimant is entitled to the following benefits:
   a. Medical care;
   b. Temporary partial and/or temporary total disability benefits (TPD/TTD).

CONTENTIONS OF THE PARTIES

Claimant asserts that on June 17, 2019, the strain of her high-stress job "overcame the resistance of her body" and caused her to "shut down." Believing Claimant was suffering a heart attack, she was transferred by medical helicopter from McCall, where she worked, to the Boise St. Luke's hospital. She was discharged the following day but did not return to employment thereafter. Claimant died on November 13, 2024, although not as a direct result of her work incident described above. Her estate argues it should "receive appropriate, [sic] legal compensation."

Defendants argue Claimant's "personal health crisis," which occurred on June 17, 2019, stemmed from her severe longstanding preexisting conditions, and did not constitute a workplace accident or injury. Furthermore, Claimant failed to provide timely notice of the alleged workplace injury, and also did not timely file her complaint. Finally, she presented no medical evidence linking her condition to workplace factors.

EVIDENCE CONSIDERED

The record in this matter consists of the following:

1. The testimony of Claimant, and witness William Batten, taken at hearing;

2. Joint exhibits (JE) 1 through 21, admitted at hearing; and

3. The post-hearing deposition transcript of Mark Parent, M.D., taken on January 15, 2025.

FINDINGS OF FACT

1. Claimant was born February 8, 1955.

2. For twenty-three years prior to June 17, 2019, Claimant worked, mainly in food services, at what was, by the time of hearing, St. Luke's McCall Medical Center.

3. On June 17, 2019, she arrived at work at 5 a.m., her usual start time. Claimant described her routine, which involved making meals for patients, staff that chose to eat in the cafeteria, and catering. Additionally, her physical duties included cleaning equipment, washing dishes, and taking orders. Claimant testified her work activity was non-stop until 2 p.m., when she left work for the day. Claimant worked alongside two other kitchen staff employees.[1]

4. Claimant testified that around lunchtime on June 17, 2019, she told her supervisor Tom that she was not feeling well and needed to go home. (She testified in deposition she thought she was coming down with a cold or flu.) Tom said she could leave after doing some additional tasks he outlined for her. Soon thereafter, a doctor[2] named Greg came into the kitchen and mentioned to Claimant that she did not look good, to which she replied that she was going home. She then walked out the door and "the next thing I remember … he was holding me, carrying me down to the ER."[3] HT p. 16.

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[1] At hearing, Claimant initially testified she was basically working alone in the kitchen on June 17, 2019, although there were two other men present, (one was "Tom," her boss) who assisted to some limited extent. However, later in her testimony, she acknowledged that there were two other kitchen co-workers (besides the two men) who were "good workers," for a total of three kitchen staff employees performing kitchen staff duties as described herein. *Compare* HT p. 15 and 63.

[2] The record is not clear on Greg's occupation; at hearing he was referred to as a doctor, but in her deposition, Claimant indicated he was not a doctor. Nevertheless, he was someone who worked in the operating room for Employer.

[3] The term "carrying me" might not be literal, as it appears in her deposition and the record that Claimant did not pass out and Greg assisted her to the ER as opposed to actually carrying her in his arms.

5. The staff at St. Luke's Mcall thought Claimant might be having a heart attack. They decided to fly her via helicopter to St. Lukes' Boise.

6. The staff at St. Luke's Boise ran various tests but could find no evidence of a heart attack. They kept Claimant overnight for observation. Malnutrition and tobacco dependence were noted in her record, and her depression score led to a consultation with a counselor while hospitalized. She was discharged the next day and left with her husband, who had driven down from McCall. She was prescribed lisinopril for her blood pressure.

7. Claimant did not return to work at any time thereafter. She testified her job was stressful and made more so by her supervisor's interactions. She testified she could not return to that job and had other medical issues, such as balance and fatigue, which kept her from seeking other employment. She was, at the time of hearing, retired.

8. Claimant died on November 13, 2024. Her husband, as personal representative of her estate, is pursuing benefits for the estate.

DISCUSSION AND FURTHER FINDINGS

9. Claimant carries the burden of proving each and every element of her various claims for benefits. *See, e.g., Duncan v. Navajo Trucking,* 134 Idaho 202, 998 P.2d 1115, (2000). Initial contested issues include;

- whether Claimant was the victim of an injury-producing accident arising out of and in the course of her employment, (which entails both an accident and an injury),
- whether she gave timely notice of such injury, or if not, whether her time for providing notice is tolled by statute, and,
- whether she timely filed her complaint.

If she proves the foregoing contested issues, Claimant also has the burden of proving the condition for which compensation is sought is causally related to such industrial accident, and not

a preexisting condition. *Callantine v Blue Ribbon Supply*, 103 Idaho 734, 653 P.2d 455 (1982). Finally, if all prerequisite elements are proven, Claimant has the burden of proving her entitlement to medical benefits not previously paid by Defendants, and the extent of her temporary disability, if any.

Did Claimant Have an Accident and Injury

10. An accident is defined as "an unexpected, undesigned, and unlooked for mishap, or untoward event, connected with the industry in which it occurs, and which can be reasonably located as to time when, and place where it occurred, causing an injury."

11. An injury is defined, in relevant part, as "...a personal injury caused by an accident arising out of and in the course of employment...." Idaho Code72-102 (17)(a).

12. Idaho Code72-102 (17)(c) makes it clear that an injury or personal injury only includes "an injury caused by an accident, which results in violence to the physical structure of the body." It does not ever include "an occupational disease[,] and only such nonoccupational diseases as result directly from an injury."

13. Claimant attempts to prove an accident happened by highlighting her testimony wherein she was not feeling well on the day in question, she had been getting yelled at by her supervisor Tom, and when she told him she needed to go home he required her to first complete some additional tasks prior to leaving. After Greg, a co-employee from OR, commented on the fact she did not look good, Claimant had a lapse of memory until she was headed to the ER, assisted or carried by Greg.

14. Claimant also notes that in the preceding two weeks, Claimant had informed Tom she needed some time off because she was getting tired, but he always had tasks for her to do before she could leave. During this time frame she was working between 40 and 45 hours per week.

15. From a legal standpoint, Claimant argues the facts as set out above constitute an accident resulting in injury. She cites the Idaho Code definitions of accident and injury, and highlights case authority such as is found in *Wynn v. J.R. Simplot Co.*, 105 Idaho 102, 666 P.2d 629 (1983), "when the demands of a job overcome a body's resistance to injury in a sudden and spontaneous moment, an accident is inferred to have occurred," and *Hutton v. Manpower, Inc.,* 143 Idaho 573, 149 P.3d 848 (2006), "[a]n accident occurs if the strain of the claimant's ordinary and usual work result[s] in violence to the physical structures of the body." See also, *Whipple v. Brundage,* 80 Idaho 193, 327 P.2d 383 (1958), "[i]f the claimant is engaged in his ordinary usual work and the strain of such labor becomes sufficient to overcome the resistance of the claimant's body and causes an injury, the injury is compensable."

16. In addition to cases highlighting how and when an accident occurs, Claimant points out that an accident does not require unusual exertion or external trauma to the worker's body, *Konvalinka v. Bonneville County,* 140 Idaho 477, 95 P.3d 628 (2004), and when the injury occurs on the employer's premises, a presumption arises that the injury arose out of the claimant's employment. *Vawter v. United Parcel Services, Inc.* 155 Idaho 903, 318 P.3d 893 (2014).

17. Against this legal background, Claimant argues she was at work, doing her job on the day of the accident. Her job was stressful, due both to the job itself and her supervisor's attitude and demands. On June 17, 2019, these conditions caused strain that overcame the resistance of her body, requiring medical intervention.

18. The only physician to testify, Mark Parent,[4] M.D., (hired by Defendants), noted that the job was physically demanding, and Claimant "always felt sort of overwhelmed with the amount

[4] Dr. Parent's deposition is not specifically summarized herein, as it was brief and the salient points are referred to in the context of the discussion at hand.

of tasks." These stressors can lead people to "have acute cardiac symptoms … without documentation of a specific disease or injury." Parent depo. pp. 15, 16. Furthermore, he testified that "[w]hatever occurred in the sense of that she became unavailable to do her duties and had symptoms likely would have been precipitated by her job that day…. And likely …it was excessive anxiety and work overload that led to her physical incapacity to perform her work…." He went on to testify, "she had clearly been overworked or overstressed in a capacity she could no longer function." *Id* at 24, 25.

19. Defendants argue that no workplace accident took place on June 17, 2019. They note Claimant was doing her usual duties and work activities when she began to exhibit symptoms, described by her in medical records as feeling "dizzy and lightheaded" with fatigue, shortness of breath, and a racing heart "over the last 3 days." She also complained of significant stress during the recent past. JE 5, p. 128.

20. Defendants also note Claimant has a years-long history of cardiac and respiratory conditions including COPD (Claimant had been a smoker since her teens), emphysema, obstructive pulmonary disease, and left ventricle hypertrophy. Additionally, she had an ongoing history of nutritional issues including episodic inability to eat or retain food and fluids. She was chronically underweight and malnourished. Psychologically, Claimant suffered major depression from 2018 forward. The conditions which led to Claimant's medical examination and testing on June 17, 2019, were simply the manifestation of Claimant's multiple preexisting conditions and not the result of a precipitating workplace accident. Under Idaho's *Nelson* doctrine, *Nelson v. Ponsness-Warren Idgas Enterprises*, 126 Idaho 129, 879 P.2d 592 (1994), Claimant must prove the occurrence of an accident to recover compensation for aggravation of her preexisting conditions, which she cannot do.

Analysis

21. Claimant's job was physically demanding for a person in her condition. However, hard work is not an accident, as noted in *Konvalinka v. Bonneville County,* 140 Idaho 477, 95 P.3d 628 (2004). That case involved a claimant whose preexisting osteoarthritis was aggravated by her occupation as a court reporter. When work was heavy, her thumbs hurt due to that condition. However, she could point to no unexpected, undesigned, and unlooked for *mishap* or *untoward event*. While Claimant argued *Wynn v. J.R. Simplot Co.*, 105 Idaho 102, 666 P.2d 629 (1983) and related cases supported her position, the Supreme Court reiterated the fact that a claimant must prove the existence of an accident, not merely the manifestation of symptoms, to meet the claimant's burden of proof.

22. In the present case, Claimant has failed to prove a physical mishap or untoward event occurred on June 17, 2019, arising out of and in the course of her employment. Instead, at most, she established that due to her job requirements and the demeanor or her supervisor, she felt stress and anxiety which manifested in dizziness, lightheadedness, and shortness of breath, together with transient heart palpitations, as testified to by Dr. Parent. She did not suffer a heart attack, nor an arrhythmia, nor any physical damage to the structure of her body. It was determined upon testing that she had a left bundle branch block, a preexisting condition, which allowed for a misdiagnosis based on a low heart muscle fraction numbers and possible heart attack. She had no cardiac injury stemming from the date of her incident at work. See, Parent Depo. pp. 14, 15.

23. Even if one were to successfully argue Claimant's dizziness, lightheadedness, shortness of breath, and transient heart palpitations constituted "violence to the physical structure of the body," (a highly dubious claim), such symptoms were not the result of a physical mishap or event. Under Idaho law, compensation may only be awarded for a "physical-physical" or,

under certain well-defined circumstances set out in Idaho Code 72-451, a "physical-mental" injury. In other words, a physical event which causes a physical injury is compensable when it occurs from an accident arising out of and in the course of one's employment. In certain circumstances, a physical event which causes a mental injury may be compensable if the requisite criteria of Idaho Code 72-451 are met. But under Idaho law no compensation is available for mental events which lead to physical injury. *See, e.g. Gibson v. Ada County Sheriff's Office,* 147 Idaho 491, 211 P.3d 100 (2009), where the claimant sought compensation for alleged post traumatic stress syndrome injury from being upset and anxious as the result of an interview she underwent in connection with a criminal investigation against her. Even though she found a doctor who claimed the emotionally traumatic interview caused physical changes to structures deep inside her brain, the Idaho Supreme Court noted there must be a physical injury to support a claim under Idaho law.

24. When the totality of the record is considered, Claimant has failed to prove by a preponderance of the evidence that she suffered an accident arising out of and in the course of her employment which resulted in a compensable injury.

Remaining Issues

25. Because Claimant has failed to prove by a preponderance of the evidence that she suffered an injury from an accident arising out of and in the course of her employment with Employer, she is entitled to no compensation, and the remaining issues are moot.

CONCLUSIONS OF LAW

1. When the totality of the record is considered, Claimant has failed to prove by a preponderance of the evidence that she suffered an injury from an accident arising out of and in the course of her employment with Employer.

2. All remaining issues are moot.

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 8th day of August, 2025.

INDUSTRIAL COMMISSION

Brian Harper

Brian Harper, Referee

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of August, 2025, a true and correct copy of the foregoing **FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION** was served by email transmission upon each of the following:

BOBBY PANGBURN
pangburn@q.com

MATTHEW PAPPAS
mpappas@ajhlaw.com

Jennifer S. Komperud

jsk

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

WILLIAM BATTEN, PERSONAL REPRESENTATIVE OF THE ESTATE OF MARGARET BATTEN, Claimant, v. ST. LUKE'S HEALTH SYSTEM, LTD., Self-Insured Employer, Defendant.	**IC 2021-008702** **ORDER** Filed August 28, 2025 Idaho Industrial Commission

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 conclusions of law as its own. Based upon the foregoing,

IT IS HEREBY ORDERED that:

1. When the totality of the record is considered, Claimant has failed to prove by a preponderance of the evidence that she suffered an injury from an accident arising out of and in the course of her employment with Employer.

2. All remaining issues are moot.

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

IT IS SO ORDERED.

DATED this the 28th day of August , 2025.

INDUSTRIAL COMMISSION

Claire Sharp

Claire Sharp, Chair

Aaron White, Commissioner

Thomas E. Limbaugh, Commissioner

INDUSTRIAL COMMISSION SEAL STATE OF IDAHO

Kamerron Slay

Commission Secretary

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of August, 2025, a true and correct copy of the foregoing **ORDER** was served by email transmission upon each of the following:

BOBBY PANGBURN
pangburn@q.com

MATTHEW PAPPAS
mpappas@ajhlaw.com

Jennifer S. Komperud

jsk