

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

JASON CRAWFORD,

Claimant,

v.

ARLO G. LOTT TRUCKING, INC.,

Employer,

and

TRIUMPHE CASUALTY CO.,

Surety,

Defendants.

IC 2024-009495

**ORDER DENYING CLAIMANT'S
MOTION FOR RECONSIDERATION**

Filed
August 28, 2025
Idaho Industrial Commission

Order denying Claimant's Motion for Interlocutory Reconsideration.

INTRODUCTION

On June 27, 2025, Jason Crawford ("Claimant") filed a request for reconsideration of the June 12, 2025, Order from Referee Harper, denying Claimant's motion to stay proceedings (hereinafter "Order"). On July 11, 2025, Employer/Surety responded. Claimant replied on July 21, 2025.

STATEMENT OF FACTS

The case arises from a work-related vehicle accident that happened on March 11, 2024. Claimant, Jason Crawford, was driving for Arlo G. Lott Trucking, Inc., when he rear-ended a school bus. Following the accident, Claimant alleged a left shoulder injury. Defendants initially paid medical benefits but ceased doing so on July 31, 2024, after Dr. Ludwig issued an IME concluding the injury was not related to the industrial accident.

Claimant underwent left shoulder surgery on April 2, 2025. On May 12, 2025, Defendants filed a Complaint with the Idaho Industrial Commission (hereinafter “Industrial Commission”), citing Claimant’s lack of communication and refusal to provide medical releases. Claimant filed a motion to stay proceedings, arguing the case was not ripe for litigation while he recovered from surgery and he lacked resources to retain counsel. The Order denied Claimant’s request, concluding that the matter was procedurally proper and did not prejudice Claimant.

CONTENTION OF THE PARTIES

Claimant argues that the Referee erred by misidentifying him as the initiating party, assuming he wanted litigation, misapplying procedural rules, and overlooking his medical recovery and limited legal resources. Claimant’s Reply, 2. He also contends that the Referee failed to consider a pending Idaho Supreme Court case that could impact the Employer’s right to initiate litigation. Claimant’s Brief, 7. Claimant maintains that since he did not file the Complaint, he should not bear the burdens of litigation. *Id.* Claimant believes the Referee’s Order contradicts the Idaho Worker’s Compensation Act’s humanitarian purpose. *Id.* at 3-7.

Defendants argue Claimant’s motion is procedurally defective for failing to include a formal motion or raise new legal or factual issues. Employer’s Brief, 2. They assert that Idaho law allows employers to initiate complaints, and no procedural harm has occurred. *Id.* at 4-13. Defendants reiterate their opposition to Claimant’s motion for a stay, citing risks of delay, evidentiary loss, and legal prejudice. *Id.* at 4-13.

DISCUSSION

The Referee’s Order Is a Prehearing or Interlocutory Matter.

Motions for reconsideration are authorized by Idaho Code § 72-718, which permits any party to move for the reconsideration or rehearing of any “decision of the Commission.” Under

Idaho Code § 72-506(2), an order of the Referee is not an order of the Commission until it is approved and confirmed by the Commission. *Simpson v. Louisiana-Pacific Corp.*, 134 Idaho 209, 998 P.2d 1122, 1124 (2000); *see also Wheaton v. ISIF*, 129 Idaho 538, 928 P.2d 42 (1996). Until the Industrial Commission's confirmation, the case is considered to be in a pre-hearing or interlocutory stage. *See Rhodes Hardy v. Walmart Associates, Inc.*, IC 2018-003685 (March 19, 2025). Claimant's motion is a request for interlocutory review as Claimant's case has not yet been resolved or confirmed by a final order of the Commission.

Generally, orders from a Referee are not subject to immediate review by the Commission. However, prehearing challenges to a Referee's order are permitted where the issue "involves a controlling question of law as to which there is substantial grounds for difference of opinion," and when immediate consideration of the challenge "may materially advance the orderly resolution of the litigation." *Ayala v. Robert J. Meyers Farms, Inc.*, IIC 2009-029533 (January 29, 2021) (*citing Kindred v. Amalgamated Sugar Co.*, 118 Idaho 147, 149, 795 P.2d 309, 311 (1990)); *see also Harvath v. Idaho Food Bank*, IIC 2010-020646 (December 2, 2011). The Commission does not favor interlocutory review of a Referee's prehearing or procedural orders. Interlocutory review is reserved for extraordinary circumstances where the matter presents a controlling question of law as to which there is substantial ground for difference of opinion.

The Referee's Order Is Reviewable Under an Abuse of Discretion Standard

The decision to grant or deny a stay is discretionary; discretionary decisions are reviewed for an abuse of discretion. *Warren v. Williams & Parsons PC CPAS*, 157 Idaho 528 (2014) (*citing Ball v. Daw Forest Prods. Co.*, 136 Idaho 155 (2001)), *Serrano v. Four Seasons Framing*, 157 Idaho 309 (2014), *McGivney v. Aerocet, Inc.*, 165 Idaho 227 (2019). To be upheld, the Referee's discretionary decision must be within the boundaries of his authority, consistent with the

applicable legal standards, and made through the exercise of reason. *Id.* For the reasons discussed below, the Commission finds that the Referee’s Order was not an abuse of discretion, and does not warrant interlocutory review.

Claimant’s Concerns with the Caption Do Not Warrant Interlocutory Review

Claimant protests the Commission’s caption, because the caption identifies Jason Crawford as the “Claimant” and Mr. Crawford is not the moving party. Claimant’s Brief, 2. Claimant argues the caption indicates legal error and shifts the burden of proof. *Id.* at 3. Claimant further argues that the caption blurs the distinction between prosecuting and defending a case, which he believes restricts his ability to effectively defend himself. *Id.* at 3-6. Claimant also insists that there is a statutory prohibition on an employer initiating worker’s compensation litigation. *Id.* at 6.

Substantively, Employer/Surety reiterate that they are the initiating party and bear the burden of proof. Employer’s Response, 4. Employer’s/Surety’s filing was, in their view, a lawful step to resolve outstanding medical and compensability issues. *Id.* They also argue that they were left with no reasonable option other than to initiate litigation, as their repeated efforts to obtain updated medical information from Claimant failed. *Id.* at 9. Employer/Surety are unopposed to recaptioning but maintain the validity of the Referee’s Order. *Id.* at 4.

We do not find Claimant’s arguments persuasive. The Industrial Commission does not require parties to adjust captions in the manner described by Claimant. Employer/Surety filed the Complaint to resolve the impasse with Claimant over procedural matters, and used the Industrial Commission’s standard case caption format.

The Referee’s Understanding of the Status of Coronado’s Oral Argument Does Not Warrant Interlocutory Review.

Claimant argues that the Referee was incorrect about the *Coronado* oral argument because it has, in fact, been set for oral argument on September 10, 2025. Claimant’s Brief at 7. He contends

that the Referee has assumed that he wishes to litigate when, in fact, he does not. *Id.* at 8. Claimant further maintains that requiring him to participate in litigation during medical recovery undermines the aims of the Idaho Workers' Compensation Act. *Id.* at 8-9. He objects to providing a medical release. *Id.* at 10.

The Commission finds no error in the Referee's discussion of the *Coronado* matter or the procedural posture of the case. *Coronado v. City of Boise*, IC 2019-015657 (March 8, 2024). We recognize that the matter has been set for oral argument. We note that having a hearing set before the Court does not guarantee the outcome of the appeal.

An Employer May File a Complaint and Initiate Proceedings Before the Commission.

Claimant argues that the Commission improperly aligned itself with Employer's litigation strategy by suggesting Claimant file his own Complaint. He argues that this undermines the Commission's neutrality and suggests institutional bias in support of employers. Claimant's Brief at 12-13.

In a footnote, the Referee acknowledged that Claimant could file his own Complaint. The Referee noted that Claimant has claims against Defendants that he has not abandoned, resolved or settled and it is unclear why the Claimant does not wish to initiate the litigation process *just yet* or allow the discovery process. The Referee identified several reasons to allow the discovery process without further delay.

The Commission finds that Idaho law does not restrict the filing of a Complaint to injured workers alone. There is no statutory language restricting the right to file to injured workers alone. Idaho Code § 72-712 and JRP 1(A), 3(A) and 15 expressly contemplate complaints filed by any party to the proceeding.

The Commission has the responsibility to determine disputed worker's compensation

matters pursuant to I.C. § 72-712 which states:

Upon application of any party to the proceeding, or when ordered by the commission or a member thereof or a hearing officer, referee or examiner, and when issues in a case cannot be resolved by pre-hearing conferences or otherwise, a hearing shall be held for the purpose of determining the issues.

Existing precedent from the Commission, including *Coronado, supra*, and *Miklos v. L&W Supply Corp.*, IC 2019-033631, supports this interpretation.

Claimant's allegations of bias and prejudgment are unpersuasive. The Referee's application of existing precedent allowing employers to file a complaint and initiate proceedings does not show bias or prejudgment of the matter. The Referee has a responsibility to manage proceedings, and identified persuasive reasons to allow the discovery process without delay.

Furthermore, the Claimant's being asked to sign a medical release does not reflect any improper pressure by the Commission, but rather reflects the standard procedure necessary to conduct discovery and evaluate claims under the Idaho Worker's Compensation Law. These objections do not demonstrate legal error or support reconsideration of the Referee's rulings.

CONCLUSION

The Commission has considered the parties' arguments and concludes that Claimant's request for reconsideration must be denied. The Order from Referee Harper is within the boundaries of his authority, consistent with the applicable legal standards, and made through the exercise of reason.

ORDER

Accordingly, Claimant's request for reconsideration is DENIED. This order is final and conclusive under Idaho Code § 72-718.

DATED this 28th day of August, 2025.



Attest:

Kameron Slay
Commission Secretary

INDUSTRIAL COMMISSION

Claire Sharp
Claire Sharp, Chair

Aaron White
Aaron White, Commissioner

Thomas E. Linbaugh
Thomas E. Linbaugh, Commissioner

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of August, 2025, a true and correct copy of the foregoing **ORDER DENYING CLAIMANT'S MOTION FOR RECONSIDERATION** was served by electronic mail upon each of the following:

MICHAEL KESSINGER
mtkessinger@gmail.com

NICOLE O'TOOLE
notoole@hawleytroxell.com

Jennifer S. Komperud