

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

MOLLY RAE MAYER, f.k.a. ANDERSON,
Claimant,

v.

CORPORATE TRAVEL MANAGEMENT
NORTH AMERICA, INC.,
Employer,

and

CONTINENTAL CAUSUALTY CO.,
Surety,
Defendants.

IC 2023-014592

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

Filed
September 30, 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 remote video hearing via ZOOM on May 1, 2025, on the below-listed issues. Claimant represented herself. 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 August 22, 2025.

ISSUES

The parties agreed to the following issues for this adjudication:

1. Whether Claimant has complied with the filing requirements of Idaho Code § 72-706;
2. Whether Claimant suffers from a compensable occupational disease;
3. Whether Claimant's condition is due in whole or in part to a preexisting injury or condition;

4. Whether Claimant's condition is due in whole or in part to a subsequent injury or condition;¹
5. Whether and to what extent Claimant is entitled to the following benefits;
 - a. Medical care;
 - b. Temporary disability benefits, either total or partial;
 - c. Disability based on medical factors, commonly known as permanent partial impairment or PPI; and
 - d. Permanent partial disability attributable to all factors, (PPD); and
6. Whether the Commission should retain jurisdiction beyond the statute of limitations.

CONTENTIONS OF THE PARTIES

Claimant's position (which is difficult to accurately pin down) is that 39 years of typing, working in front of a computer screen, and other duties of a travel agent, contributed to the development of severe arthritis and disc herniations in her cervical spine which require past and ongoing medical intervention and cause her constant pain in her neck and down her arms. Additionally, on March 10, 2023, her pain flared up to the point she could no longer work. Claimant argues she has an occupational disease and suffered an accident on March 10, 2023.²

¹ At the hearing, defense counsel was specifically asked if he intended to pursue the subsequent injury defense and he affirmed it was his intention. However, and not surprisingly, given the nature of this case, there was no argument or evidence produced by him in support of such defense. As an officer of the court, counsel is tasked with candor to the tribunal, which includes an honest appraisal of which issues are supportable and which are not, jettisoning those issues for which there is no evidence or those which counsel does not intend to pursue through briefing. Certainly, it requires an honest answer when directly asked if counsel intends to pursue such defense beyond the hearing. He, and all counsel are hereby put on notice that refusing to abandon "non-issues," especially when asked specifically about their viability, could be grounds for JRP 16 sanctions.

² At hearing Claimant first acknowledged hers was an occupational disease case, but then also claimed there were elements of accident in play as well. Defendants objected at hearing and in briefing and in a motion to strike Claimant's brief, discussed below.

She argues she is entitled to past and future medical treatment, benefits for time she is unable to work, and an impairment rating of 18 percent whole person.

Defendants argue Claimant is not entitled to any benefits because she failed to timely report her condition, cannot argue accident when the stated and agreed-upon issues did not include accident, has no medical causation proof, and failed to timely file her complaint. The only medical expert to opine on causation found no causal link between Claimant's career and her cervical spine condition.

EVIDENCE CONSIDERED

The record in this matter consists of the following:

1. The testimony of Claimant taken at hearing;
2. Joint exhibits 1- 26, with the exception of exhibit 21, which was not admitted, and with 26 being admitted only as Claimant's opening statement and not a substantive exhibit.
3. The deposition transcript of Michael Ludwig, M.D., taken on July 10, 2025.

DEFENDANTS' POST-HEARING MOTION TO STRIKE

On August 22, 2025, Defendants filed a Motion to Strike, which sought to strike, in whole or in part, Claimant's Post-Hearing Brief. Therein, they raise numerous allegations, including the fact that the hearing was premised on an occupational disease cause of action, and not on a discreet workplace accident theory, but in her brief Claimant argued for relief under an accident theory. Also, Claimant raised arguments which Defendants assert were contradictory to her hearing testimony. Defendants seek to strike the brief under the powers vested in the undersigned by JRP 16 and Idaho case authority. They point out that Claimant is held to the same standard as an attorney and therefore should not be allowed to get away with her "fundamental procedural violations."

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION - 3

Defendants argue in the alternative that if the brief is not stricken *in toto*, certain specific arguments should be stricken. Those include Claimant's attempt to introduce her Social Security Disability determination, provided as "Exhibit B" to her brief, but not introduced into the record at any time prior to or during the hearing, and not disclosed in discovery, as well as *ad hominem* attacks on defense counsel and Dr. Ludwig. Defendants also want stricken Claimant's self-calculated PPI rating, based on the fact she did not testify to such calculation at hearing, and raised her PPI opinion for the first time in briefing without "medical qualification." They argue, without citation to authority, that PPI ratings must be provided by medical expert testimony to be considered. Finally, they would like all arguments which support an "accident" theory to be stricken.

There was extensive conversation at the outset of the hearing on whether Claimant was proceeding under the theory of occupational disease or accident. At first, she acknowledged it was an occupational disease case; later she wanted to argue both occupational disease and accident, to which Defendants objected. After considering all options, the undersigned stated the hearing would move forward under an occupational disease theory. However, in briefing, Claimant argued an accident theory, leading to the motion to strike. Defendants extensively briefed both theories and argued that under either theory Claimant should not prevail.

Defendants also want sanctions awarded against Claimant for her negative review of counsel's and Dr. Ludwig's demeanor at deposition. That element of the motion is not persuasive and is DENIED. Given the holding herein, Defendants' substantive arguments regarding Claimant's shifting theories of recovery, while technically meritorious, are a grievance without a consequence. As such, they are also DENIED.

FINDINGS OF FACT

1. Claimant was 57 years old at the time of hearing. She has worked in the travel industry for 39 years. She has worked for Employer for roughly 18 years, the last 10 from home.

2. In 2021, Claimant had an episode of pain in her right arm for which she wore a brace, and a carpal tunnel splint at night. The pain would at times radiate from her neck to her right elbow. In December of that year she sought medical treatment at Benewah Community Hospital. She was prescribed physical therapy and a nerve conduction study was ordered.

3. Before attending physical therapy or obtaining a nerve conduction study, Claimant sought chiropractic care. Those records are not in evidence, but Claimant testified that an adjustment to her thoracic spine between her shoulder blades caused a popping sensation and her arm pain went away. Accordingly, she did not attend physical therapy or follow through with the nerve conduction study. She returned to work and testified she had no further difficulty until March 2023.

4. On March 10, 2023, while in the course and scope of her duties for Employer, Claimant experienced burning and numbness in her right arm and her entire right arm went numb while typing. She informed her supervisor.

5. Claimant initially treated with a chiropractor and then on March 27, 2023, she went to a walk-in clinic for treatment. Notes from that visit state Claimant “is seen today in clinic for right arm Pinns [sic] and needles sensation and itchiness x 1 month/She has been to a chiropractor and they stated it could be to [sic] her typing a lot in [sic] a computer.” JE 3. p. 5. The record further notes Claimant had been having the pins and needles sensation and itchiness for some time, “but in the last month it has gotten so bad it is affecting her job.” *Id.*

6. Claimant next saw Terry Stevenson, M.D., at Bio Family Clinic, who took x-rays of Claimant's cervical spine. They showed multilevel degenerative disc space narrowing from C3 through C7, and degenerative hypertrophy without significant encroachment of the neuroforamina. He scheduled an MRI.

7. The MRI showed, at C4-5 and C5-6, broad-based central disc protrusions with bilateral uncinata hypertrophy and canal stenosis. Claimant's herniated discs abutted the anterior spinal cord. There was moderate-to-severe bilateral neuroforaminal narrowing at both levels.

8. Claimant was then seen by neurologists in Idaho and Arizona.³ Claimant ended up at Desert Institute for Spine Care (DISC) in Phoenix, where she was seen by Christopher Yeung, M.D., on June 7, 2023. History taken that date includes Claimant's complaints of numbness and burning into bilateral upper extremities, right worse than left, which began in March and got significantly worse. The notes go on to report that Claimant had similar symptoms "a year and a half ago" which were successfully treated with chiropractic care.

9. Claimant acknowledged at hearing that records from Dr. Yeung and other physicians with whom she treated do not mention her condition as being related to her work, but she claimed they all orally told her there was a connection. She also mentioned that she learned from her treaters that her "nerve impingement conditions" were due to many years of repetitive use of her upper extremities and poor ergonomics over "many years of clerical work." Tr. p. 74.

10. During the course of her treatment, Claimant was also diagnosed with bilateral carpal and cubital tunnel syndrome.

³ During this time Claimant split time between north Idaho and Arizona, with Idaho as her domicile, and Arizona as her part time residence.

DISCUSSION AND FURTHER FINDINGS

11. Claimant bears the burden of proving the condition for which compensation is sought is causally related to an industrial accident.” *Duncan v. Navajo Trucking*, 134 Idaho 202, 203, 998 P.2d 1115, 1116 (2000). The proof required is “a reasonable degree of medical probability” that the claimant's “injury was caused by an industrial accident.” *Anderson v. Harper's Inc.*, 143 Idaho 193, 196, 141 P.3d 1062, 1065 (2006). “The Commission may not decide causation without opinion evidence from a medical expert.” *Id.* A physician does not render a medical opinion by merely recording the assertion of a patient. *See Meikle v. Alpine Flagging, LLC*, 2001 WL 470656 (Idaho Ind. Com. Apr. 27, 2001). Likewise, a claimant testifying as to what a physician told her is not a substitute for the physician’s records or testimony and will not suffice as proof of a causal link.

12. The keystone issue for resolution is whether Claimant’s cervical spine condition is causally related to her employment. It makes no difference whether her claim sounds in occupational disease or accident theories, she still has the burden of proof on causation. “As with industrial accident claims, an occupational disease claimant has the burden of proving, to a reasonable degree of medical probability, a causal connection between the condition for which compensation is claimed and occupational exposure to the substance or conditions which caused the alleged condition.” *Watson v. Joslin Millwork, Inc.*, 149 Idaho 850, 855, 243 P3d 666, 671 (2010), quoting *Langley v. State, Industrial Special Indemnity Fund*, 126 Idaho 781, 786, 890 P.2d 732, 737 (1995). As noted in *Serrano v. Four Seasons Framing*, 157 Idaho 309, 317, 336 P.3d 242, 250 (2014), “[c]ausation is an issue whenever entitlement to benefits is at question.”

13. In order to meet her burden of proof Claimant is required to produce *opinion* evidence from a physician, stated to a reasonable degree of medical probability. *Langley v.*

State, Industrial Special Indemnity Fund, 126 Idaho 781, 785, 890 P.2d 732, 736 (1995). While no special words are necessary when the medical opinion evidence plainly and unequivocally conveys a doctor's conviction that the events of the industrial accident and the claimant's condition are causally related, there must be words in the record which convey that conviction. *See, e.g. Colunga v. Off-Spec Solutions, LLC*, IIC 2018-033881 (January 17, 2025) (Failure to present medical opinion evidence was fatal to claim.)

14. The undersigned has examined at length all medical records produced in this case. At best, there is one notation referring to the fact that Claimant mentioned a chiropractor stated her neck condition could be related to her typing activities. *See*, JE 3, p. 5. That statement is not nearly sufficient to meet Claimant's burden of proof. Nowhere does a physician give a medical opinion linking Claimant's cervical spine condition to the accident.

15. To the contrary, the physician hired by Defendants, Michael Ludwig, M.D., emphatically denied, in his report and his deposition, that there was any connection between Claimant's occupation and her degenerative disc disease in her cervical spine. He acknowledged Claimant had significant issues in her cervical spine, but opined her 39 years of clerical work did not cause or contribute to her condition.

16. Clearly, the medical evidence establishes the fact that Claimant has degenerative disc disease and stenosis of her cervical spine at multiple levels. This is a long-forming condition which conceivably could have been aggravated by her work. Unfortunately, it would be speculation to assume that, since no physician has opined to such a link. No matter how sincerely Claimant believes her work caused or contributed to her medical condition, the Commission cannot find causation without a persuasive medical opinion, contained in the record, and rendered to a reasonable degree of medical probability.

17. It was Claimant's responsibility to obtain the needed opinion, even if that meant returning to one of the physicians who allegedly told her of the connection and obtaining a statement from them rendering such opinion to a reasonable medical probability standard.

18. In this case Claimant was informed she carried the burden of establishing the causal link by way of medical opinion. She failed to procure and produce such medical evidence. As such she has failed to carry her burden of proof on the issue of causation.

19. Having failed to carry her burden of proof on causation, all remaining issues are moot.

CONCLUSIONS OF LAW

1. When the record as a whole is considered, Claimant has failed to prove by a preponderance of the evidence that her cervical spine condition was caused or contributed to by her employment and/or an accident occurring on or about March 10, 2023.

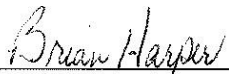
2. All remaining issues are moot.

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 29th day of August, 2025.

INDUSTRIAL COMMISSION



Brian Harper, Referee

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of September, 2025, a true and correct copy of the foregoing **FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION** was served upon each of the following by the method(s) indicated below:

*By email transmission and
regular United States Mail:*
MOLLY MAYER

[REDACTED]

[REDACTED]

[REDACTED]

By email transmission:
MATTHEW PAPPAS
mpappas@ajhlaw.com

Jennifer S. Komperud

jsk

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ADDENDUM TO FINDINGS OF FACT

Filed
September 30, 2025
Idaho Industrial Commission

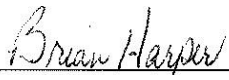
Defendants filed a second Motion to Strike on September 4, 2025, seeking to have the Commission strike the entirety of Claimant’s Closing Brief on the basis that she did not use the correct font and further failed to “comply with the basic formatting requirements to ensure readability and proper judicial review.” By the time this Motion was filed, the undersigned had already prepared his Findings of Fact in this matter and presented his Findings to the Commissioners for their analysis and review. As such, this Addendum will address Defendants’ second motion to strike.

Defendants acknowledge JRP 11 allows for “greater leniency” for *pro se* claimants but nevertheless proceed with three pages of argument on how Claimant’s conduct “undermines the efficiency goals” of the Commission’s procedural rules and somehow “creates an unfair advantage” for Claimant. (It should be noted Claimant’s closing brief, while single spaced, was five pages long, well below the allowed 15-page limit.)

When the totality of the circumstances is considered, Defendants' arguments in this instance could be considered frivolous. Defendants' Second Motion to Strike is DENIED.

DATED this 10th day of September 2025.

INDUSTRIAL COMMISSION



Brian Harper, Referee

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of September, 2025, a true and correct copy of the foregoing **ADDENDUM TO FINDINGS OF FACT** was served upon each of the following by the method(s) indicated below:

*By email transmission and
regular United States Mail:*
MOLLY MAYER

jsk

By email transmission:
MATTHEW PAPPAS
mpappas@ajhlaw.com

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ORDER

Filed
September 30, 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 record as a whole is considered, Claimant has failed to prove by a preponderance of the evidence that her cervical spine condition was caused or contributed to by her employment and/or an accident occurring on or about March 10, 2023.
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 30th day of September, 2025.

INDUSTRIAL COMMISSION



Claire Sharp
Claire Sharp, Chair

Aaron White
Aaron White, Commissioner

Thomas E. Limbaugh
Thomas E. Limbaugh, Commissioner

ATTEST:

Kamerron Slay
Commission Secretary

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of September, 2025, a true and correct copy of the foregoing **ORDER** was served upon each of the following by the method(s) indicated below:

*By email transmission and
regular United States Mail:*

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

By email transmission:

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