

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

SHERI STEVENS,

Claimant,

v.

OYNX BUILDING GROUP, INC.,

Employer,

and

ICW GROUP,

Surety,

Defendants.

IC 2022-026397

**ORDER GRANTING
RECONSIDERATION**

**FILED SEPTEMBER 30, 2025
IDAHO INDUSTRIAL COMMISSION**

On or about August 8, 2025, the Idaho Industrial Commission (“Commission”) entered its Order approving the recommended Findings of Fact, Conclusions of Law, and Order submitted by Referee Robinson, following hearing held August 30, 2024, in Idaho Falls, Idaho. The Order found that: (1) Claimant has proven that she incurred a compensable occupational disease under Idaho Code; (2) that Defendants have not proven her current condition is non-compensable as a pre-existing condition; and that (3) “All other issues are moot.”

Claimant filed a Motion for Reconsideration on August 27, 2025, and in Claimant’s Brief in Support of Claimant’s Motion for Reconsideration asks the Industrial Commission to reconsider Order Number 3 which states: “All other issues moot.” On August 29, 2025, Defendants filed a notice of non-opposition.

It is the Claimant’s position that this part of the order is ambiguous as there were only two stated issues which were adjudicated by the Referee. Claimant contends that all other issues listed

within Claimant's Amended Complaint such as entitlement to medical treatment, temporary disability benefits, permanent partial impairment, permanent partial disability, and attorney fees have been reserved.

Pursuant to Idaho Code § 72-718, a decision of the Commission is final and conclusive as to all matters adjudicated unless a timely motion for reconsideration is filed. The Commission is not compelled to make findings on the facts of the case during reconsideration. *Davison v. H.H. Keim Co., Ltd.*, 110 Idaho 758, 718 P.2d 1196 (1986). J.R.P. 3(g) states that a motion to reconsider "shall be supported by a brief filed with the motion."

Claimant does not present new medical evidence or contest the Commission's decisions regarding the two stated issues found in the August 8th Order. Claimant simply seeks clarification regarding which issues are considered "moot" in this case.

Claimant's arguments are persuasive. This was a bifurcated hearing, and issues were reserved. The Industrial Commission's Notice of Hearing, filed February 8, 2024, sets forth only two issues for the August 30th hearing. Claimant's request for reconsideration is GRANTED. The August 8, 2025, Order will be AMENDED to reflect issue preservation.

ORDER

Based on the foregoing, Claimant's Motion for Reconsideration is GRANTED, and the August 8, 2025, Order is AMENDED as follows: the sentence "All other issues are reserved." will replace "All other issues are moot." IT IS SO ORDERED. Pursuant to Idaho Code § 72-718, this decision is final and conclusive as to all matters adjudicated.

DATED this 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 GRANTING RECONSIDERATION** was served by *E-mail transmission* and by regular United States Mail upon each of the following:

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