

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

DUSTIN DENNIS,

Respondent/Claimant,

v.

INDEPENDENT PAINTING, LLC,
Uninsured Employer,

and

UNITED LINING & COATINGS, LLC,
Employer and STATE INSURANCE FUND,

Surety,

and

UNITED PAINTING, INC., Employer and
STATE INSURANCE FUND,

Surety,

Petitioners/Defendants.

IC 2023-005563

2023-050914

2023-050915

**ORDER DECLINING PETITION FOR
DECLARATORY RULING**

FILED MARCH 23, 2026

IDAHO INDUSTRIAL COMMISSION

INTRODUCTION

This matter is before the Idaho Industrial Commission (“Commission”) upon United Painting, Inc.’s (hereinafter “United Painting”) *Petition and Memorandum for Declaratory Ruling to Dismiss Defendant United Painting, LLC*, filed on December 30, 2025 (hereinafter, “Petitioner”). The Petition was accompanied by a memorandum in support of the petition and the Declaration of Weston Davis with attached exhibits A through C, and the Declaration of Rhett Hendrickson. Petitioner argues that Claimant is not an employee of United Painting, and that the statutes require the dismissal of United Painting as a party.

On January 26, 2026, United Lining and Coatings (hereinafter “United Lining”) filed a *Notice of Non-objection to Petition to Dismiss Defendant United Painting, LLC*.

Independent Painting, LLC, did not file a response, and Claimant did not file a response.

ISSUES

1. Whether the matter presented meets the standards for a declaratory ruling under the Commission’s *Judicial Rules of Practice and Procedure under the Idaho Workers’ Compensation Law*, effective July 9, 2025, (“JRP”) Rule 15.
2. Whether Claimant is an employee of United Painting, Inc., and working within the course and scope of his/her employer, under the definitions in Idaho Code §§ 72-209 and 401 *et. seq.*

DISCUSSION

I. Standards for Declaratory Ruling

Idaho Code § 72-707 vests the Commission with exclusive jurisdiction over “[a]ll questions arising under” the worker’s compensation law. *See: Idaho State Ins. Fund by and Through Forney v. Turner*, 130 Idaho 190, 191, 938 P.2d 1228, 1229 (1997). Pursuant to the Commission’s *Judicial Rules of Practice and Procedure under the Idaho Workers’ Compensation Law*, effective July 9, 2025, (“JRP”) Rule 1:

The Commission shall make such order, ruling or award as it determines is reasonable and just. However, where the Commission in an administrative rule or regulation adopts a procedure for adjudication of a specific type of dispute, these rules shall apply only to the extent expressly incorporated therein. Pursuant to Idaho Code § 72-708 the Commission will construe these rules liberally to secure the just, speedy, and economical determination of all issues.

Pursuant to JRP Rule 15, a party may request a declaratory judgment to resolve a dispute with a written petition when there is “an actual controversy over the construction, validity or applicability of a statute, rule, or order.” JRP 15(C). The following requirements must be met:

1. The petitioner must expressly seek a declaratory ruling and must identify the statute, rule, or order on which a ruling is requested and state the issue or issues to be decided;

2. The petitioner must allege that an actual controversy exists over the construction, validity or applicability of the statute, rule, or order and must state with specificity the nature of the controversy;
3. The petitioner must have an interest which is directly affected by the statute, rule, or order in which a ruling is requested and must plainly state that interest in the petition; and
4. The petition shall be accompanied by a memorandum setting forth all relevant facts and law in support thereof.

The Commission “may hold a hearing on the petition, issue a written ruling providing guidance on the controversy or decline to make a ruling when it determines that there is no controversy or that the issue at hand is better suited through resolution in some other venue, or by some other administrative means.” *Miller v. Yellowstone Plastics, Inc.*, IC 2019-024650 (Idaho Ind. Comm. October 7, 2022).

In *Ayala v. Robert J. Meyers Farms* the Idaho Supreme Court described the job of the Referee as being the “eyes and ears of the Commission”; an integral part of an established, laid-out process which provides “public confidence in a fair and impartial tribunal.” *Ayala v. Robert J. Meyers Farms, Inc.*, 165 Idaho 355, 445 P3.d 164 (2019). JRP 15 provides the Commission with guidelines for when it is appropriate to grant or decline a petition for declaratory ruling. Under JRP 15(F)(4)(f), the Commission may decline to make a ruling when there is “other good cause why a declaratory ruling should not be made”.

II. The determination of whether an employee/employer relationship exists between United Painting and Claimant is a factual question.

The Petition concerns whether an employee-employer relationship existed between the parties. The petition was unopposed; Claimant and Independent Painting, LLC, did not file a response. United Lining filed a non-opposition response.

The Commission finds that the issues posed by Petitioners are not appropriate for a declaratory ruling as contemplated by JRP 15. In this case, Petitioners have presented evidence that United Painting did not employ Claimant, and therefore, Claimant is precluded from receiving worker's compensation benefits from United Painting. The Commission agrees with Petitioner that the availability of benefits for an injured worker depends on the establishment of an employee-employer relationship and whether the employee was working within the course and scope of his/her employment. The Commission is not persuaded that further elaboration on the statutes identified is necessary. The applicability of Idaho Code §§ 72-209 and 401 *et. seq.* to the facts of the instant case is a factual determination and not a matter of statutory construction. This case needs either a factual determination from the Referee or a stipulation—from *all* parties—to the dismissal of United Painting, to achieve Petitioner's desired outcome. We are sympathetic to Petitioner's concerns, yet mindful that the matter presented is best handled by the assigned Referee. For these reasons, the Commission declines to entertain the petition for declaratory ruling and refers the matter back to the assigned Referee. IT IS SO ORDERED.

ORDER

Based on the foregoing the Commission hereby ORDERS as follows:

1. The Petition for Declaratory Ruling is declined under JRP 15(F)(4)(b).
2. Pursuant to Idaho Code § 72-718, this decision is final and conclusive as to all matters adjudicated.

DATED this 23rd day of March, 2026.



INDUSTRIAL COMMISSION

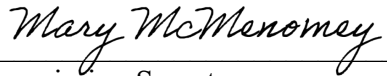
Claire Sharp

Claire Sharp, Chair



Aaron White, Commissioner

ATTEST:



Commission Secretary

CERTIFICATE OF SERVICE

I hereby certify that on 23rd day of March, 2026 a true and correct copy of the foregoing **ORDER DECLINING PETITION FOR DECLARATORY RULING** was served by regular United States mail or email upon each of the following:

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