

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

GABRIEL CAPILLA,

Petitioner/Claimant,

v.

BETTENCOURT DAIRIES,

Employer,

and

LIBERTY NORTHWEST INSURANCE
CORPORATION,

Surety,

Respondents/Defendants.

IC 2012-013605

**ORDER DENYING PETITION FOR
DECLARATORY RULING**

**FILED
JULY 16, 2026
IDAHO INDUSTRIAL COMMISSION**

This matter is before the Idaho Industrial Commission (“Commission”) upon Claimant’s JRP 15 Petition for Declaratory Ruling on Order Dismissing Complaint, filed on April 17, 2026 (“Petition”). The petition was accompanied by a Memorandum in Support of Petition. Respondents filed their response on April 30, 2026. Claimant filed a reply on May 11, 2026.

Petitioner/Claimant is represented by Daniel Gareipy. Respondents/Surety/Defendants are represented by Matthew Pappas and Brock Arnold.

Prior to these filings, Claimant sustained an alleged industrial accident on May 26, 2012 and a Complaint was filed with the Commission by attorney Patrick Brown on July 21, 2015. An Answer was filed by Defendants who were represented by attorney Kent Day. Discovery commenced, and fast-forwarding to June 27, 2025, Defendants filed a Motion to Compel. Claimant did not respond, and on July 14, 2025, the Commission issued an Order Granting the Motion to

Compel. Claimant did not respond. On August 27, 2025, Referee Donohue filed a Notice of Intent to Recommend Dismissal. Claimant did not respond. Referee Donohue sent a Recommendation for Dismissal on September 18, 2025, to the Commissioners. On October 17, 2025, the full Commission entered an Order Dismissing Complaint, without prejudice. A Notice of Substitution of Attorney was filed by Claimant's attorney on February 6, 2026, and Daniel Gariepy was substituted as the attorney for the Claimant in the place of Patrick Brown. Defendants are now being represented by attorneys Matthew Pappas and Brock Arnold.

ISSUES

1. Whether the Commission exceeded its authority when it granted Defendants' Motion to Dismiss;
2. Whether the Commission acted in excess of its powers by dismissing Claimant's complaint as an initial sanction for discovery non-compliance without first considering lesser sanctions.

ARGUMENTS OF THE PARTIES

Claimant argues that dismissal was inappropriate, and that the Commission was required to consider lesser sanctions prior to dismissal. They argue that the Commission never considered lesser sanctions, and that the dismissal amounted to a dismissal with prejudice because the statute of limitations has lapsed.

Defendants argue JRP 15 is not the proper mechanism to challenge the Commission's Order Dismissing Complaint, and that a Motion for Reconsideration would be more appropriate.

DISCUSSION

I. Standards for Ruling on Petition for Declaratory Ruling

Pursuant to the Commission's Judicial Rules of Practice and Procedure under the Idaho Workers' Compensation Law, effective July 9, 2025, ("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.

JRP 15(C). 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).

Here, Petitioner seeks a declaratory ruling that the Order Dismissing Complaint was entered in excess of the Commission’s powers, and Petitioner claims that an actual controversy exists over the construction of JRP 12(C). Additionally, Petitioner addresses the confusion over the various JRP’s which were cited by Defendants and the Commission in the relevant motions and orders. On August 5, 2025, Defendants filed a Motion to Dismiss citing JRP 12(B). On September 18, 2025 the Referee sent a Recommendation for Dismissal citing JRP 12(E). On October 17, 2025, the full Commission filed an Order Dismissing Complaint, without prejudice, citing JRP 12(C).

Under JRP 15(F)(4)(b) the Commission may decline to make a ruling when there is no actual controversy. While Claimants argue that there is an actual controversy surrounding the application of JRP 12(C), the Commission does not agree. Claimant's Petition for Declaratory Ruling does not amount to an allegation that an actual controversy exists, rather it seeks to appeal the dismissal order. While Claimant is correct that JRP 12(C) governs dismissals made by the party filing the complaint, the Commission is not divested of its authority to dismiss a claim under JRP 12(B), or to impose sanctions under JRP 16.

The reasoning provided by the Commission in the Order Granting Motion to Compel, in the Notice of Intent to Recommend Dismissal, and in the Order Dismissing Complaint was sufficient in their explanation. JRP 12(E) states the following:

When a matter subject to dismissal under this rule has been assigned to a Referee, the Referee shall make a recommendation on the matter of dismissal for the consideration of the Commission, which, when approved by the Commission, shall be a final order of the Commission under Idaho Code § 72-718.

At the time of the Referee filing the Notice of Intent to Recommend Dismissal, Claimant was represented by counsel. Claimant did not respond. Per Idaho Code § 72-718, the order was final on November 6, 2025. Claimant had the opportunity under Idaho Code § 72-718 to file for reconsideration within 20 days of the date the administrative order is entered. *JRP* 3(G). Claimant's counsel also had the opportunity to file for appeal of the final decision under Idaho Code § 72-724. Neither option was pursued by Claimant, which leads us to the current situation where Claimant is attempting to revive their claim via a Petition for Declaratory Judgement—an inappropriate vehicle for their dismissed claim. While it is unfortunate that no timely request for reconsideration was filed, the declaratory ruling process cannot remedy the missed deadline for reconsideration or appeal.

When a case has been dismissed by final order of the Commission, there is no actual controversy for which a JRP 15 Petition for Declaratory Ruling to resolve. Although a claimant will still have a legal interest following dismissal, again, the proper route under Idaho Worker's Compensation Law is to file a Motion for Reconsideration, within 20 days, in accordance with Idaho Code § 72-718. The Commission is within its power to grant a timely Motion for Reconsideration following an Order Dismissing Complaint, which would effectively reinstate the claim. This statutory remedy was not pursued by Claimant's counsel, and the time has passed for a timely Motion for Reconsideration to be filed.

Additionally, the Commission may also decline a Petition for Declaratory Ruling under JRP 15(F)(4)(f) when there is "other good cause why a declaratory ruling may not be made. As stated above, when a claim has been dismissed by final order of the Commission, and the period for reconsideration has passed, there does not exist an "actual controversy".

Even though JRP 15 allows for the Commission to make a declaratory ruling, the Commission may decline to make a ruling where "the issue on which a determination is sought is or should be the subject of other administrative or civil litigation or appeal." JRP 15 (F)(4)(e). In *Coler v. Idaho Forest Group*, the Commission declined declaratory relief because the issue was intertwined with a pending adjudication, and that the matter was "better suited" through normal adjudication and/or appeal. *Coler v. Idaho Forest Group*, IC 2018-026198, Order Denying Petition for Declaratory Ruling (Idaho Indus. Comm'n Apr. 6, 2021).

In the present case, the issue is centered around whether dismissal of the claim was proper. But since, as repeated above, the claim has been dismissed and the timeframe to reinstate the complaint has passed, there is no controversy.

II. The Commission, in Accordance with Proper Procedure, May Dismiss a Complaint Provided That Proper Procedure is Followed.

Claimant's arguments do not persuade us that the Commission lacks authority to dismiss complaints. It is within the power of the Commission to dismiss a case for non-prosecution under JRP 12(B). This rule requires that "the Commission shall issue a notice of intent to recommend dismissal to the parties" and gives parties the ability to "show cause in writing" within 21 days of the date of service. *JRP 12(B)*. Idaho Code § 72-201 summarizes one of the goals of the workers compensation system as providing "sure and certain relief for injured workmen and their families". This goal, according to the Idaho Supreme Court, must be weighed against the goal of "promoting compliance with the rules". *Fuentes v. Cavco Indus., Inc.*, 170 Idaho 432, 438 (2022).

Additionally, the Court has set out clear responsibilities for the Commission when weighing these decisions; no further elaboration of the law is required. *Fuentes* requires that there be evidence in the record that no action had been taken for six months, and it also requires the consideration of lesser sanctions. *Fuentes* at 437. The Court did not hold that the Commission may never dismiss a workers' compensation claim for discovery violations, rather, it held that the Commission did not follow its own procedures as found in JRP 12(B). *Id.*

Fuentes may be distinguished from *Jordan v. Walmart Associates, Inc.* which involved a pro se claimant and a defendant's motion to compel following claimant's failure to respond to discovery requests. *Jordan v. Walmart Assocs., Inc.*, 173 Idaho 115, 117 (2023). Here, in part because of the COVID-19 pandemic, and in part because claimant was not represented, the Court stated that "the Commission must take additional precautions to be assured that dismissal is the appropriate sanction". *Id.* at 118.

In the current case, Defendants filed a Motion to Dismiss on August 5, 2025. There was no response from Claimant. The Commission then filed a Notice of Intent to Recommend Dismissal on August 27, 2025, which started the 21-day period by which a party could respond in writing to

show cause, as required by JRP 12(B). Following that 21-day period during which Claimant was represented by counsel, yet there was no response, the Commission filed a Recommendation for Dismissal, and entered an Order Dismissing Complaint on October 17, 2025. The procedures as set fourth in the JRPs were adhered to in this case.

Additionally, dismissal is proper under *Fuentes*, as the Commission found that after each subsequent filing made by Defendants, starting with the Motion to Compel Supplemental Discovery Responses filed on June 27, 2025, there was no response from Claimant. Claimant was given an opportunity to respond after the filing of the Order Granting Motion to Compel and the Notice of Intent to Recommend Dismissal.

CONCLUSIONS OF LAW AND ORDER

For the foregoing reasons, the Commission concludes the following:

1. Claimant's Petition for Declaratory Ruling does not meet the standards as found in JRP 15(C), and is therefore denied.
2. The Commission did not exceed their power in the Order Dismissing Complaint filed on October 17, 2025.
3. This is a final order under Idaho Code § 72-718.

DATED this 16th day of July, 2026.

INDUSTRIAL COMMISSION

Claire Sharp

Claire Sharp, Chair



Aaron White

Aaron White, Commissioner

ATTEST:

M. Womer

Commission Secretary

CERTIFICATE OF SERVICE

I hereby certify that on 16th day of July, 2026, a true and correct copy of the foregoing **ORDER DENYING PETITION FOR DECLARATORY RULING** was served upon the following:

☒ US MAIL ☒ EMAIL

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A handwritten signature in dark ink, appearing to read "M. Womer", with a long, sweeping horizontal line extending to the right.

Commission Secretary