

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

DARREL NOBLE,

Claimant,

v.

INDUSTRIAL VENTILATION, INC.,
Employer

And

OLD REPUBLIC INSURANCE
COMPANY.,
Surety,
Defendants

IC 2019-009626

**ORDER DENYING PETITION FOR
DECLARATORY RULING**

**FILED AUGUST 4, 2026
IDAHO INDUSTRIAL
COMMISSION**

This matter is before the Idaho Industrial Commission (“Commission”) upon Claimant’s Petition for Declaratory Ruling (“Petition”) under Judicial Rules of Practice and Procedures (“JRP”) 15. The petition was accompanied by a Memorandum in Support of Petition and the Affidavit of Joel A. Beck.

Claimant is represented by Joel A. Beck. Defendants are represented by Chad Walker.

Darrell Noble (“Claimant”) was injured as the result of a March 26, 2019, industrial accident. Complaint. The Claim was accepted and benefits paid until approximately May 5, 2021, when Defendants discontinued Claimant’s benefits based on the opinions of his treating physician. Aff. of Joel A. Beck ¶ 2. The Claimant filed a complaint February 12, 2024, seeking benefits including total permanent disability. *See* Complaint. During a pre-hearing telephone conference on March 30, 2026, Defendants sought ISIF contribution and asked that the April 17, 2026, hearing be postponed. Aff. of Joel A. Beck ¶ 4. The Referee vacated the April 17, 2026, hearing and instead held a telephone conference regarding the matter. Order Vacating Hearing and Notice of Telephone Conference.

On April 21, 2026, the Referee entered an Order which granted the Defendants’ Motion to Implead ISIF and reset the hearing for May 1, 2026, limited to medical care, TTD, and PPI, and deferred issues of disability in excess of impairment (including odd-lot permanent total disability) and ISIF apportionment to a later date. Order Granting Def. Motion to Implead ISIF, Order Bifurcating Issues and Notice of Hearing at 2.

Claimant petitions the Commission for a declaratory ruling challenging the Referee’s procedural decision to bifurcate the proceedings to properly implead ISIF and requests one hearing on all issues. JRP 15 Petition for Decl. Ruling at 4. The Claimants asserts that the bifurcation of the issue is improper and prejudicial, further alleging that it will take longer and become more costly to resolve. Affidavit of Joel A. Beck ¶ 6, 9. Additionally, Counsel for Claimant contends that the bifurcation will result in him being “forced to try two cases for the price of one” while accruing “more than double the costs associated with the matter.”¹ *Id.* at ¶ 11.

Defendants did not file a response.

The Commission has reviewed the Petition; the Affidavit of Joel A. Beck; the procedural history; the Referee’s April 21, 2026, Order; the parties’ briefing; and the applicable statutes and case law. The Petition does not satisfy the threshold requirements under JRP 15, and a declaratory ruling is unnecessary and improper as a procedural vehicle in this case. The Petition is therefore DENIED.

ISSUES

1. Whether Claimant’s Petition Satisfies the Requirements for a Declaratory Ruling Under JRP 15.
2. Whether the Referee abused their discretion in bifurcating the issues.

¹ This argument is based upon the contingent fee schedule that was agreed upon when Counsel accepted the case.

DISCUSSION

I. Standards for Ruling on Petition for Declaratory Ruling

Pursuant to JRP 15, a party may request a declaratory judgment to resolve a dispute when there is “an actual controversy over the construction, validity or applicability of a statute, rule, or order.” JRP 15(C). Under JRP 15 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.

After the receiving a declaratory ruling petition 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 . . . by some other administrative means.” *Miller v. Yellowstone Plastics, Inc.*, IC 2019-024650 (Oct. 7, 2022).

II. The Referee's Order Is a Prehearing or Interlocutory Matter.

The declaratory judgement rule is reserved for pure questions of law requiring clarification—not to challenge discretionary procedural determinations made in the course of litigation. *See* JRP 15(A), (C).

In the instant case, the Commission finds that there is good cause to deny the declaratory ruling petition. JRP 15(F)(4)(F). Claimant’s petition does not identify any controversy in the construction or validity of Title 72 of the Idaho Code, the Commission’s procedural rules, or the

Referee's Order. Instead, Claimant raises a challenge to the Referee's discretionary decision to bifurcate the proceedings to implead ISIF and seeks a prehearing or interlocutory review. Memo In Support of JRP 15 Petition for Decl. Ruling at 4. Claimant's arguments concern the Referee's application of established procedural authority to the facts of this case, not a controversy for clarification. Claimant asks that the Commission hold one hearing for all issues, but this remedy cannot be achieved through a declaratory ruling.

While an interlocutory review is not seen in statute, the court has held that the correct procedure is through a motion for reconsideration. *See Wheaton v. Indus. Special Indem. Fund*, 129 Idaho 538, 540, 928 P.2d 42, 44 (1996). *Wheaton* specified that a party may seek a ruling through reconsideration on a matter decided by a referee and not confirmed or approved by the Commission at large. *Id.*; *See Simpson v. Louisiana-Pacific Corp.*, 134 Idaho 209, 998 P.2d 1122 (2000). A reconsideration must be filed within twenty (20) days of the decision of the Commission. § 72-718.

The Commission does not favor the practice of filing motions for reconsideration by the full Commission for referee orders on interlocutory procedural matters. *Rodriguez v. Walmart Associates, Inc.*, IC 2023-014279 (August 30, 2024). Prehearing challenges to Referee's order are only permitted when the issues “involves a controlling question of law as to which there is substantial grounds for difference of opinion,” or when immediate consideration of the challenge “may materially advance the orderly resolution of the litigation.” *Crawford v. Arlo G. Lott Trucking, Inc.* IIC 2024-009495 (Aug. 28, 2025) (*quoting Ayala v. Robert J. Meyers Farms, Inc.*, IIC 2009-029533 (Jan. 29, 2021)).

The instant issues fall outside the scope of JRP 15. Because Claimant's petition seeks review of a procedural ruling rather than clarification of a legal standard, it does not meet the

threshold requirements for a declaratory ruling under JRP 15. Therefore, the declaratory ruling process cannot remedy the alleged issues at hand. It is clear that the Claimant intended to request an interlocutory review but has used an incorrect procedural vehicle to do so; requesting reconsideration would have been the correct avenue. Had Claimant filed a reconsideration of the Referees order in lieu of a declaratory ruling it would have been within the twenty-day period of the April 21, 2026, Order to Bifurcate. In the case at hand, the Commission is unable to provide a remedy through a declaratory judgement.

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

Bifurcation is an inherent power of the Commission under JRP 1. *See* § 72-506. Once a case has been assigned to a Referee, they have discretion to hear it as they see legally fit without routine intervention from the Commission. *See* § 72-717. The Referee will issue a finding of fact, conclusions of law, and an order, which the Commission does not have to accept, just review. *Ayala v. Robert J. Meyers Farms, Inc.*, 165 Idaho 355, 361, 445 P.3d 164, 170 (2019); § 72-717.

A Referee's decision to bifurcate a hearing is discretionary and reviewable under an abuse of discretion standard. *See McGivney v. Aerocet, Inc.*, 165 Idaho 227, 232, 443 P.3d 241, 246 (2019). The four essentials of that test are whether the hearing officer: "(1) correctly perceived the issue as one of discretion; (2) acted within the outer boundaries of [her] discretion; (3) acted consistently with the legal standards applicable to the specific choices available to [her]; and (4) reached [her] decision by the exercise of reason." *Id.* (quoting *Lunneborg v. My Fun Life*, 163 Idaho 856, 863, 421 P.3d 187, 194 (2018)).

In bifurcating the case into two hearings, the Referee sought to resolve the issues at hand in a timely manner, while ISIF was properly impleaded. The Referee's decision was within the

boundaries of her discretion to consolidate and bifurcate hearings. Her actions were consistent with the legal standards applicable under Title 72. The Referee included her reasoning in her Order and reviewed the file to consider the positions of both parties. The Referee did not abuse her discretion in her decision to bifurcate the hearing while the Defense properly impleaded ISIF.

For reasons above, the Petition is DENIED in full.

ORDER

IT IS HEREBY ORDERED that claimant's Petition for Declaratory Ruling is DENIED for failure to satisfy the requirements of JRP 15.

DATED this 4th day of August, 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 4th day of August, 2026, a true and correct copy of the foregoing **ORDER DENYING PETITION FOR DECLARATORY RULING** was served upon the following:

☒ US MAIL ☒ EMAIL

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

Commission Secretary