BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

LAURIE PETERSON, Claimant, v. ORGILL, INC., Employer, and THE PHOENIX INSURANCE COMPANY, Surety, Defendants.	**IC 2021-028717** **ORDER DENYING CLAIMANT'S MOTION FOR RECONSIDERATION** **FILED SEPTEMBER 24, 2026 IDAHO INDUSTRIAL COMMISSION**

On July 13, 2026, Defendants Orgill, Inc. ("Employer") and The Phoenix Insurance Company ("Surety") filed a *Motion to Dismiss with Prejudice*, and on August 10, 2026, the Idaho Industrial Commission ("Commission") filed a *Memorandum Order Dismissing Claimant's Complaint with Prejudice*. Claimant Laurie Peterson ("Claimant") is acting *pro se* and filed a *Request for Reconsideration* of the Order dismissing her case on August 10, 2026. Defendants filed a *Response to Claimant's Request for Reconsideration* on August 24, 2026, through Defendants attorney Tyler Stoddard. Claimant responded to this filing by emailing the Commission on August 24, 2026, supplementing her Request for Reconsideration.

CONTENTIONS OF THE PARTIES

Claimant requests that the Commission reconsider the *Order Dismissing Claimant's Complaint with Prejudice*, arguing that she has "provided medical releases for all of the workers compensation doctors". *Request for Reconsideration*, pp. 1.

Defendants argue that Claimant has not fulfilled her obligation to provide a release of all medical records without restriction and ask that the Commission deny her Request for

Reconsideration. *Defendants' Response to Claimant's Request for Reconsideration*, pp. 1-3. In their *Motion to Dismiss with Prejudice*, Defendants request that Judicial Rules of Practice and Procedure ("JRP") 12(A), effective July 9, 2025, be the mechanism through which Claimant's complaint is dismissed. They argue that a showing of "good cause" has been demonstrated in the current case.

For the reasons discussed below, the Commission has reviewed the pleadings and issues this Order Denying Claimant's Request for Reconsideration.

STANDARDS OF RECONSIDERATION

Under Idaho Code § 72-718, a decision of the Commission, in the absence of fraud, shall be final and conclusive as to all matters adjudicated, provided that within 20 days from the date of the filing of the decision, any party may move for reconsideration. However, "[i]t is axiomatic that a [party] must present to the Commission new reasons factually and legally to support a hearing on [a] Motion for Rehearing/Reconsideration rather than rehashing evidence previously presented." *Curtis v. M.H. King Co.*, 142 Idaho 383, 388, 128 P.3d 920 (2005).

The Commission may reverse its decision upon a motion for reconsideration, or rehear the decision in question, based on the arguments presented, or upon its own motion, provided that it acts with the time frame established in Idaho Code § 72-718. *See Dennis v. School District No. 91*, 135 Idaho 94, 97, 15 P.3d 329, 332 (2000) (citing *Kindred v. Amalgamated Sugar Co.*, 114 Idaho 284, 756 P.2d 410 (1988)). A motion for reconsideration must be properly supported by a recitation of the factual findings and/or legal conclusions with which the moving party takes issue. However, the Commission is not inclined to re-weigh evidence and arguments during reconsideration simply because the case was not resolved in a party's favor.

DISCUSSION

Claimant's Request for Reconsideration, Although Timely, Fails to Persuade the Commission

The dispute in this case centers around Claimant's history of refusal to provide a signed, unabridged authorization for disclosure of health information which would permit Defendants to request and obtain Claimant's medical records. *Order Dismissing Claimant's Complaint with Prejudice*, pp. 1. The initial Complaint was filed by Claimant on November 11, 2023, for an injury which was alleged to have occurred on October 4, 2021. There have been extensive efforts by both the Commission and Defendants to secure the necessary medical release forms so that Claimant can pursue her claims.

On November 2, 2023, Claimant provided a limited release from Dr. Michael Ludwig for treatment provided between October 4, 2021, and December 4, 2021. *Defendants' Response*, 1-2. On December 18, 2025, Claimant provided three "Medical Record Release Forms" limiting Defendants to only three previous providers—Drs. Michel Ludwig, Caleb Netting, and Joseph Bowen—*and* further limiting the release to Claimant's "legal medical records," which she described as "Workers Compensation Paperwork only - *legal*," an "MRI," and an "EEG." *Defendants' Response*, 2-3. The Commission notes that Claimant does not dispute Defendant's claim that "she has failed to provide an unabridged release" of her medical records. *Id.*, pp. 2. Yet, Claimant asserts that she has provided Defendants with all of her past medical records.

Claimant's assertions are contradictory and unpersuasive. The incomplete discovery responses from Claimant and Claimant's limitations on the releases have denied Defendants the opportunity to investigate her claims and disregarded the Referee's instructions. In its underlying Order, the Commission considered the requirements for dismissal with prejudice as set by the Idaho Supreme Court in *Fuentes v. Cavco Industries*, 170 Idaho 432, 511 P.3d 852 (2022), and

states that there has been "a clear showing of delay" by Claimant in her refusal to grant a release of medical records. *Memorandum Order Dismissing Claimant's Complaint with Prejudice,* pp. 2. Unlike *Jordan v. Walmart Assocs., Inc.*, 173 Idaho 115, 125, 539 P.3d 593 (2023), Claimant's refusal prevents the case from moving forward.

Defendants applied to the Commission for an Order dismissing Claimant's complaint with prejudice pursuant to JRP 12(A). *Motion to Dismiss with Prejudice,* pp. 1. JRP 12(A) states that "[u]nless good cause is presented, dismissal of a complaint shall be without prejudice," and in this case Defendants argue that Claimants repeated refusal to comply with discovery rules and several Orders of the Commission rises to that standard. *Id.,* at 5.

Further, the Commission in its Order noted that JRP 12(B) allows Defendants to seek dismissal of Claimant's case for non-prosecution if "no action has been taken on the case for a period of six (6) months". *Memorandum Order Dismissing Claimant's Complaint with Prejudice,* pp. 2. Claimant's non-compliance with discovery and the Referee's instructions has persisted for longer than six (6) months.

Claimant has failed to provide any new legal or factual reasons in her filing to persuade us otherwise. Because Claimant has refused to abide by the discovery rules and relevant orders of the Referee, Claimant's *Request for Reconsideration* is DENIED.

ORDER

Based on the foregoing, Claimant's *Request for Reconsideration* is DENIED. **IT IS SO ORDERED.** Pursuant to I.C. § 72-718, this decision is final and conclusive as to all matters adjudicated.

DATED this 24th day of September, 2026.

INDUSTRIAL COMMISSION

Claire Sharp, Chair

Aaron White, Commissioner

George Gutierrez, Commissioner

ATTEST:

Commission Secretary

CERTIFICATE OF SERVICE

I hereby certify that on 24th day of September, 2026, a true and correct copy of the foregoing **ORDER DENYING CLAIMANT'S MOTION FOR RECONSIDERATION** was served upon the following:

__X___ US MAIL __X___EMAIL

LAURIE PETERSON
[redacted]

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