

MINUTES

Subcommittee on Miklos

June 24, 2026

The Industrial Commission's Subcommittee on Miklos met in regular session with Chair Michael Kessinger presiding. In attendance were Jamie Arnold, Kylie Turner, Commission Extern Brooke Wolatz, Workers' Compensation Audit Program Analyst Records and Reception Supervisor Kayla Pollard, Director George Gutierrez, Commissioner Aaron White, Commission Secretary Kamerron Slay, Law Clerk Erik Farner, Public Information Officer Amy Berg, Commission Chair Claire Sharp, Adjudication Manager Dana Ryden, Referee Noelle Rauschendorfer, and Referee Sonnet Robinson. Chair Kessinger called the meeting to order at 2:02 p.m.

I. Unfinished Business (Old Business)

- a. Information Item: Introduction to the issue outlined by the Supreme Court of the State of Idaho in *Miklos v. L&W Supply*.
 - i. Chair Kessinger summarized the Supreme Court ruling that the lack of a record from a status conference impaired the Commission's ability to analyze Miklo's arguments, and the Supreme Court wanted to emphasize the importance of adhering to statutory requirement to safeguard the rights of the workers' compensation claimants by citing Idaho Code 72-710 that requires the Industrial Commission use a stenographic or machine transcription of any proceeding or of testimony adduced at any hearing, and the Supreme Court indicated that the record was essential for the court to fulfil its obligation of reviewing workers' compensation appeals and proceedings needed to be transcribed.
- b. Information Item: Discussion of the Court's direction in Miklos.
 - i. Chair Kessinger indicated that the Commission had tried to change its rules to take status conferences out of the purview of Miklos, and he believed that denied the court the information it needed.
 - ii. Director Gutierrez stated that the Commission had been researching options to help meet its requirement without utilizing court transcriptionists. Currently, the Commission is looking to have its legal associates trained to take transcriptions in-house; however, leadership is still examining workloads and the logistics of how to handle hearings outside of Boise when the current staff is located in the Boise office. He added that the Commission has not allocated any additional manpower or funding to take on these new responsibilities, and the Commission must find a way to balance the new duties without affecting its current duties or

performance metrics.

Chair Kessinger indicated he believed that the Supreme Court was aware there would be financial and manpower constraints on the Commission; however, it wasn't concerned with those constraints but was only concerned with seeing the statute followed.

- iii. Adjudication Manager Ryden informed the subcommittee that if it is requested, the Commission is recording the hearing and having it transcribed, which, in the long run, is very cost-prohibitive. Referee Robinson added that the Commission has only two attorneys who request that audio for conferences/hearings be recorded, and the Commission makes those records available upon request. Chair Kessinger believes the recording satisfies the court's intent because there is a record being made. His fear that the Commission will be leaving itself open to further chastising if it doesn't, at the very least, audio record conferences/hearings, because it gives the court some sort of record to review.

c. Action Item: Recommendation to the Commission

- i. The Industrial Commission will work to make changes that are consistent with the Supreme Court's request to the JRP to clarify what will be recorded and transcribed on request. The subcommittee agreed that these changes could include a request for recording in the calendaring paperwork, and that both parties must opt in and sign a waiver when opting out. When the changes are ready, they will be presented at the next Advisory Committee Meeting.

II. New Business

No new business

III. Adjournment

- a. With no further new business, Mr. Arnold moved to adjourn the meeting with Chair Kessinger, seconding the motion. Chair Kessinger adjourned the meeting at 2:38 p.m.

APPROVED:

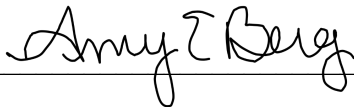
Clarie Sharp

Claire Sharp, Chair

A handwritten signature in black ink, appearing to read 'Aaron White', written over a horizontal line.

Aaron White, Commissioner

ATTEST:

A handwritten signature in black ink, appearing to read 'Amy Berg', written over a horizontal line.

Amy Berg, Public Information Officer