

**BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO**

REYMUNDO CRUZ RODRIGUEZ,

Claimant,

v.

DARLING INGREDIENTS, INC.,

Employer,

and

LIBERTY INSURANCE CORPORATION,

Surety,

Defendants.

**IC 15-000128**

**ORDER ON PETITION FOR  
DECLARATORY RULING**

**Filed April 6, 2021**

---

**Introduction**

On November 14, 2020, Defendants filed a Petition for Declaratory Ruling with supporting memoranda pursuant to Rule 15 of the Judicial Rules of Practice and Procedure (JRP). Claimant filed a timely reply. Petitioners seek a Declaratory Ruling regarding the interpretation of Idaho Code § 72-412. Petitioners present the following question of law:

Whether the use of the terms “any accredited educational institution” and/or “any . . . accredited vocational training program” in I.C. § 72-412 are intended to contemplate only those schools and institutions formally “accredited” by a third-party accrediting body, or institution? Or, alternatively, whether the use of those same terms in I.C. § 72-412 contemplate schools and institutions who may be *licensed* pursuant to applicable provisions in IDAPA and/or the Idaho Code, but who have not been officially or formally “accredited” by a third-party accrediting body, or institution?

Def. Pet. For Declaratory Relief p. 2.

**Background**

Claimant agrees that Petitioners accurately set forth the facts of the controversy as follows:

On April 2, 2020, Plaintiff was seriously injured in the course and scope of his employment with Petitioner Insured. Plaintiff died of his injuries five days later on April 7, 2020. Petitioner Surety accepted the resulting claim and began paying death benefits to Plaintiff's dependent survivors per I.C. § 72-413. In a letter dated August 3, 2020, Plaintiff's widow ("Ms. Rodriguez") contacted Petitioner Surety to inquire whether Plaintiff's adult daughter ("Ms. Cruz") was eligible to continue receiving death benefits to assist with her education. Ms. Cruz is studying to become a dental assistant through Milan Institute - a vocational training school located in Boise. I. C. § 72-413(3) stipulates that adult children (i.e. older than 18 but younger than 23) of deceased workers (like Ms. Cruz) are entitled to death benefits to assist with their education if they are enrolled in "accredited" institutions or vocational programs.

Def. Pet. For Declaratory Relief p. 3.

Claimant's daughter, Angela Cruz, enrolled in Milan Institute's dental assistant program at its Boise Campus on July 30, 2020, and is expected to graduate on April 26, 2021. At the time she enrolled, she was 19 years old. Pursuant to I.C. § 72-412, Claimant would be ineligible for death benefits given that her age exceeds the timeframe (until eighteen (18) years of age) as allowed for by statute. However, if the Milan Institute is accredited, once she enrolled as a full-time student she would become eligible for death benefits pursuant to I.C. § 72-412(3).

The relevant section of I.C. § 72-412 provides that:

The income benefits for death herein provided for shall be payable during the following periods... (3) To or for a child after age eighteen (18) years who is enrolled as a full-time student in *any accredited educational institution, or accredited vocational training program*, until such child ceases to be so enrolled or reaches the age of twenty-three (23) years, whichever occurs first...

I.C. § 72-412(3) (italics added).

### **Discussion**

Rule 15 of the JRP provides the option for a Declaratory Ruling as a mechanism to address the construction, validity, or applicability of any worker's compensation statute, rule, or order. The Rule provides, in pertinent part:

Whenever any person has an actual controversy over the construction, validity or applicability of a statute, rule, or order, that person may file a written petition with the Commission, subject to the following requirements:

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).

Further, JRP 15(F)(4) authorizes the Commission to decline to act on a Petition for Declaratory ruling where any of the following circumstances exist:

- a. The Commission lacks jurisdiction over the issue or issues presented;
- b. There is no actual controversy;
- c. The petitioner would not be directly affected by a resolution of the issue presented;
- d. The petitioner does not provide sufficient facts or other information on which the Commission may base a ruling;
- e. The issue on which a determination is sought is or should be the subject of other administrative or civil litigation or appeal; or
- f. It appears to the Commission that there is other good cause why a declaratory ruling should not be made.

Upon receipt of a JPR 15 petition, the Commission may hold hearings, conduct investigations, issue written rulings, or decline to make a ruling for certain reasons. JRP 15(F). We find that Petitioners have identified the statute on which a ruling is requested, as well as the specific

issue involved. JRP 15(C)(1). Further, we find that Petitioners have an interest which is directly affected by the statute. JRP 15(C)(3). Finally, an actual controversy exists over the construction, validity or applicability of the statute such as to necessitate consideration under JRP 15. JRP 15(C)(2).

The sole issue is whether the Milan Institute is an “accredited” institution. Children between the ages of 18 and 23 are entitled to death benefits in certain circumstances, including being enrolled as a full-time student in “any accredited educational institution, or accredited vocational program...” I.C. § 72-412(3). It is undisputed that Ms. Cruz is between the ages of 18 and 23 and enrolled as full-time student at Milan Institute. Petitioners’ only concern is whether the Milan Institute is “accredited” as that term is used in the statute.

**A.) The definition of “accredited” as used in I.C. § 72-412 is unambiguous.**

The threshold issue is determining which institutions and programs are included in the language of “any accredited educational institution, or accredited vocational program...” as used in Idaho Code § 72-412(3). The Court has stated “legislative definitions of terms included within a statute control and dictate the meaning of those terms as used in the statute.” *State v. Yzaguirre*, 144 Idaho 471, 477, 163 P.3d 1183, 1189 (2007).<sup>1</sup> In reading a statute, the Commission considers the statute as a whole and “words [are] given their plain, usual, and ordinary meanings.” The Commission “must give effect to all words of the statute so that it will not be void, superfluous, or redundant.” *State v. Schulz*, 151 Idaho 863, 264 P.3d 970 (2011). The first step in interpreting a statute is to discern whether it is ambiguous. *Verska v. St. Alphonsus Reg’l Med. Ctr.*, 151 Idaho 889, 265 P.3d 502 (2011). When a statute is unambiguous, the clearly expressed intent of the

---

<sup>1</sup> This principle is also found in Idaho Code § 73-113(3) which states: “Words and phrases are construed according to the context and the approved usage of the language, but technical words and phrases, and such others as have acquired a peculiar and appropriate meaning in law, or are defined in the succeeding section, are to be construed according to such peculiar and appropriate meaning or definition.”

legislature must be given effect, and the Commission “need not consider rules of statutory construction” to determine its meaning. *Schulz* at 974, 867. A statute is ambiguous if it is capable of more than one reasonable interpretation. *Id.* at 896. A statute is not ambiguous “merely because an astute mind can devise more than one interpretation of it.” *Farmers Nat. Bank v. Green River Dairy, LLC*, 155 Idaho 853, 318 P3d 622 (2014).

We agree with Claimant that the statute refers to *any* accredited educational institution or vocational program and not, as Defendants argue, to particular programs which may be licensed according to certain provisions of the IDAPA. This reading is supported by the plain language of the statute; the legislature included the term “any” to preface the words “accredited educational institution, or accredited vocational program.” Review of the legislative history of the statute reveals that the purpose of the bill is to extend death benefits to children who were not previously entitled to benefits, and to encourage continuing education for the citizens of Idaho. *See* S.B. 1371 S. Com. & Hum. Res. Comm., 58th Leg., 2nd Reg. Sess. (Idaho Feb. 16, 2006). This purpose, along with the legislature’s use of the qualifier “any,” favors a broad reading of the terms “educational institution” and “vocational program.” It is not the province of the Commission to obstruct the Legislature’s evident intent to apply the provisions of I.C. § 72-412 to a wide variety of educational pursuits. The Legislature could have replaced the inclusive term “any” with the exclusive term “specified,” or offered additional language if their intent was to restrict the types of accredited institutions and vocational programs that would qualify. To not give effect to the word “any” as it is used in section 72-412, would render the term void. *See Schulz*, 151 Idaho at 973, 264 P.3d at 866.

The provisions of I.C. § 72-412 apply broadly to educational institutions and vocational programs, but the institution or program must nevertheless be accredited. However, the statute does not specify by whom, or what, the program of study must be accredited.

Other sections of Idaho Code specify by whom a particular institution must be accredited in order to meet the requirements of statute. For example, I.C. § 63-3029A(c) regarding income tax credit for charitable contributions plainly states:

For the purposes of this section, a nonprofit institution of secondary or higher education means a private nonprofit secondary or higher educational institution located within the state of Idaho, *which is accredited by the northwest commission on colleges and universities, or accredited by a body approved by the state board of education.*

I.C. § 63-3029A(c) (italics added). *See also* I.C. § 33-4403 (plainly stating the definition of “accredited institution of higher education” within that statute); I.C. § 39-1207 (reading, “[t]he Idaho department of education shall certify to the department whether each residential school has been *accredited according to the accrediting standards promulgated by the Idaho department of education;*” (italics added)); I.C. § 54-717 (Certification in clinical nutrition reading, “[f]or purposes of this section, ‘accredited’ means accredited by an accrediting agency recognized by the United States department of education”).

I.C. § 72-412 offers no such limitation on the identity of the appropriate accrediting body. Nor is there any definition of “accredited” offered within Title 72. Rather, we look to how the term is used as written, and consider the term’s plain, usual, and ordinary meaning. The statute must then be read as it is written.

### **B. Plain meaning of accredited.**

“Accredit” is defined as “to give official authorization to or approval of,” and “to recognize or vouch for as conforming with a standard.” *Merriam-Webster.com Dictionary*, Merriam

Webster, <https://www.merriamwebster.com/dictionary/accredit> (accessed Feb. 26, 2021). Black's Law Dictionary similarly defines "accredit" as "to give official authorization or status to." BLACK'S LAW DICTIONARY (Garner 8th ed. 2004). The definition of the word seems clear. Where the language of a statute is plain and unambiguous, courts give effect to the statute as written, without engaging in statutory construction. *In re Adoption of Doe*, 156 Idaho 345, 349, 326 P.3d 347, 351 (2014). Because we do not find the statute to be ambiguous, we need not engage in statutory construction.

**C.) The Milan Institute is accredited.**

The Milan Institute, in which Ms. Cruz is enrolled, is accredited by the Council on Occupational Education (COE). COE purports that its accreditation:

[I]s a status of recognition that is granted to an institution which complies with the eligibility requirements, standards, procedures, and obligations adopted by the member institutions of the Council. Accreditation does not certify that every facet of an institution is of equal quality, but it does indicate that no part of the institution is so weak that the educational effectiveness of the institution as a whole and its services to students will be undermined.

COUNCIL ON OCCUPATIONAL EDUCATION, <https://council.org/membership/> (accessed Feb. 26, 2021).

The U.S. Department of Education recognizes the scope of COE accreditation responsibilities as follows: "the accreditation and preaccreditation ("Candidacy Status") throughout the United States of postsecondary occupational education institutions offering non-degree and applied associate degree programs in specific career and technical education fields, including institutions that offer programs via distance education." U.S. DEPARTMENT OF EDUCATION, [https://www2.ed.gov/admins/finaid/accred/accreditation\\_pg6.html#RegionalInstitutional](https://www2.ed.gov/admins/finaid/accred/accreditation_pg6.html#RegionalInstitutional) (accessed Feb. 26, 2021). Given the plain meaning of the word "accredited," the Milan

Institute is clearly approved by an accrediting organization given official recognition by the U.S. Department of Education.

Petitioners also contend that the Milan Institute's Boise Campus is not specifically accredited by the COE, and thus it should not be treated as accredited. We are unpersuaded by this argument. Per the COE website, the Milan Institute's main campus is located in San Antonio, Texas, with a number of satellite campuses in other locations. *See* COUNCIL ON OCCUPATIONAL EDUCATION, <https://council.org/membership/> (accessed Feb. 26, 2021). The Boise, Idaho, location where Ms. Cruz is enrolled, is identified as being associated with the main campus located in San Antonio, Texas. *Id.* The Boise campus is identified with its dental assistant program included, all listed with the accreditation status as "accredited." *Id.* There would be no purpose to identifying satellite campuses if the accreditation of the main campus did not extend to associated satellite campuses as well.

### **Conclusion**

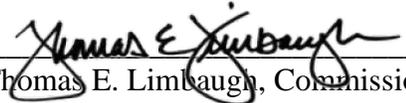
Based on the foregoing, the Commission finds the "accredited" language of I.C. § 72-412(3) unambiguous and to be interpreted broadly using its plain meaning. Section 72-412 does not contemplate restriction to only those schools or programs pertaining to licensed professionals, but rather includes all accredited educational institutions. Further, the Commission finds that the Milan Institute is "accredited" pursuant to I.C. § 72-412(3) as it is accredited by the COE which is recognized as an approved national accreditation agency by the U.S. Department of Education.

DATED this 6th day of April, 2021.

INDUSTRIAL COMMISSION

  
\_\_\_\_\_  
Aaron White, Chairman



  
Thomas E. Limbaugh, Commissioner

  
Thomas P. Baskin, Commissioner

ATTEST:

  
Commission Secretary

#### CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of April, 2021, a true and correct copy of the foregoing **ORDER ON PETITION FOR DECLARATORY RULING** was served by email upon each of the following:

BRUCE SKAUG  
[bruce@skauglaw.com](mailto:bruce@skauglaw.com)

MATTHEW PAPPAS  
[service@ajhlaw.com](mailto:service@ajhlaw.com)

Emma O. Landers