

## SUMMARY STATEMENT

*Deon v. H&J, Inc.*, Docket No. 41593

In this worker compensation case, the Idaho Industrial Commission found Trudy Deon to be totally and permanently disabled from a work-related injury. The Commission held that her employer, H&J, Inc., was 100% liable for her disability benefits. However, the Commission, acting on its own volition, decided to reconsider its decision because during the proceedings Deon had made a settlement with the Idaho Special Indemnity Fund wherein that entity had assumed partially responsible for her disability. The Commission determined that Deon was precluded by the doctrine of collateral estoppel from claiming the employer was 100% liable for her disability. It reduced the employer's responsibility for her benefits to 23.92%. The Supreme Court reversed the reconsideration, holding that the Industrial Commission could not *sua sponte* (acting on its own volition) raise a collateral estoppel defense.