

SUMMARY STATEMENT

Sevy v. SVL Analytical, Inc. - Docket No. 41994

The Idaho Supreme Court affirmed the decision of the Industrial Commission of the State of Idaho (Commission) which concluded that Kelli Sevy failed to establish that she suffered disability as a result of her industrial accident in excess of her 2% Permanent Partial Impairment (PPI) rating. The Commission further found that Sevy failed to prove that she was totally and permanently disabled and that the Industrial Special Indemnity Fund was liable. The Supreme Court concluded that the Commission's finding that Sevy was entitled to a 2% PPI rating was not inconsistent with the Commission's finding that Sevy's industrial injury did not result in additional restrictions impairing her ability to secure employment. This holding was based upon the fact that the PPI rating was based solely upon the performance of a second surgical cervical fusion at the same location on the spine which was made necessary by the industrial accident and that the PPI rating was not the product of additional limitations or symptoms due to the accident. The Supreme Court also affirmed the Commission's findings that Sevy did not prove permanent disability and because Sevy was not totally and permanently disabled, there was no basis for finding ISIF liability.