

SUMMARY STATEMENT

Green v. State, Docket No. 42782

The Idaho Supreme Court affirmed the Idaho Industrial Commission's decision holding that the Industrial Special Indemnity Fund (ISIF) was liable for a portion of Roy Green's disability benefits. In the underlying case, Green filed a complaint against St. Joes Salvage Logging (Employer) and Travelers Indemnity Company (Surety). Employer/Surety, in turn, filed a complaint against ISIF, seeking to apportion some of Green's disability to pre-existing conditions. On January 29, 2014, the Commission concluded that Green was totally and permanently disabled. However, the Commission retained jurisdiction so that ISIF and Employer/Surety could gather impairment rating evidence because the Commission determined there was insufficient evidence to establish an impairment rating for a pre-existing thoracic spine condition. After additional evidence was presented, on November 26, 2014, the Commission apportioned liability to ISIF by concluding that 20% of Green's disability was due to the pre-existing condition. ISIF appealed the Commission's determination that it was liable.

The Supreme Court affirmed, determining the Commission did not abuse its discretion by retaining jurisdiction to determine the pre-existing thoracic spine impairment rating. The Supreme Court also held the Commission's finding that Green's thoracic spine condition "combined with" other industrial injuries to render Green totally and permanently disabled was supported by substantial and competent evidence.