

SUMMARY STATEMENT

Rodriguez v. Consolidated Farms, LLC, Docket No. 43708

In an appeal from the Industrial Commission of the State of Idaho, the Idaho Supreme Court affirmed the Industrial Commission's finding that Rodrigo Rodriguez is permanently disabled. On appeal, Consolidated Farms, LLC, and Indemnity Insurance Company of North America ("Appellants") argued that the Industrial Commission's finding was error because: (1) Rodriguez had failed to make a *prima facie* showing that he qualified as permanently disabled under the odd-lot doctrine; and (2) Appellants had demonstrated that a job had been offered to Rodriguez that was both suitable and regularly and continuously available. In holding that the Industrial Commission had not erred, the Idaho Supreme Court concluded that: (1) substantial and competent evidence supported the Industrial Commission's conclusion that Rodriguez had made a *prima facie* showing that he was not regularly employable in any well-known branch of the labor market absent a business boom, the sympathy of a particular employer or friends, temporary good luck, or a superhuman effort; (2) Appellants failed to demonstrate that a suitable type of work was regularly and continuously available in a well-known branch of the labor market; and (3) Appellants failed to show that the job offer made to Rodriguez was itself suitable and regularly and continuously available. The Idaho Supreme Court granted costs on appeal to Rodriguez.