

SUMMARY STATEMENT

Salinas v. Bridgeview Estates, Docket No. 44186

In an appeal from the Industrial Commission of the State of Idaho, the Idaho Supreme Court vacated the Industrial Commission's award of attorney's fees to Leticia Salinas ("Salinas"). On appeal, Bridgeview Estates (the "Employer") and Old Republic Insurance Company (the "Surety") argued that the Industrial Commission erred in awarding attorney's fees to Salinas. Specifically, the Employer and Surety argued that, regardless of the Industrial Commission's finding of unreasonable conduct, no basis existed for the award of attorney's fees under the plain language of Idaho Code section 72-804 because no payment was found to be due to Salinas. Salinas did not participate in briefing.

The Idaho Supreme Court explained that, under the relevant language of Idaho Code section 72-804, an employer or surety shall be liable for attorney's fees if they discontinue payment of compensation as provided by law justly due and owing to an employee without reasonable grounds. The Idaho Supreme Court held that the award of attorney's fees was error because the Industrial Commission found that no payment of compensation was justly due and owing to Salinas. Accordingly, the Idaho Supreme Court vacated the Industrial Commission's award of attorney's fees.