

SUMMARY STATEMENT

Andrews v. State of Idaho, Industrial Special Indemnity Fund, Docket No. 44241

In an appeal from the Industrial Commission, the Supreme Court affirmed the order of the Commission finding that the Industrial Special Indemnity Fund (ISIF) was not liable for an industrial accident which left Steven Andrews totally and permanently disabled. Andrews was injured when he fell off a ladder in 2009 while employed by the Corporation of the Church of Jesus Christ of Latter Day Saints. After the fall, Andrews had to undergo back surgery which left him totally and permanently disabled. After settling his claim with the employer, Andrews sought to establish ISIF liability pursuant to Idaho Code section 72-332. The Commission found that ISIF was not liable as Andrews failed to show that his pre-existing condition was a subjective hindrance. The Commission also found that Andrews failed to show that, but for his pre-existing condition, the 2009 injury would not have left him totally and permanently disabled. On appeal, Andrews argued that the Commission's order was not supported by substantial and competent evidence. The Supreme Court affirmed, finding that substantial and competent evidence supported the Commission's determination that the 2009 accident alone would have left Andrews totally and permanently disabled.