

SUMMARY STATEMENT

Jobe v. Dirne Clinic/Heritage Health et al.

No. 44604

The Idaho Supreme Court vacated the order of the Idaho Industrial Commission (the Commission) ruling that Dr. Richard Jobe's Methicillin-resistant *Staphylococcus aureus* (MRSA) constituted a compensable occupational disease under Idaho's Worker's Compensation Act. The Commission denied Jobe's claim because it found that he failed to prove that his MRSA was caused by his employment with Dirne Clinic/Heritage Health (Heritage).

On appeal, the Court concluded that the Commission had incorrectly applied the governing law. The Court specifically concluded that the Commission had failed to apply *Sundquist v. Precision Steel & Gypsum, Inc.*, 141 Idaho 450, 456, 111 P.3d 135, 141 (2005), which held that, because an occupational disease can be incurred over time under a series of different employers, in such a situation, it is the last employer who is liable to the claimant. Despite *Sundquist*, the Commission failed to inquire whether Jobe's MRSA could have been incurred under a series of different employers prior to Jobe's employment at Heritage. In fact, the Commission at several times referred to Jobe's possible exposure to MRSA in prior employment to validate Heritage's lack of liability. Because the Commission failed to apply the proper legal standard, the Court vacated and remanded for proper application of the governing law.