

SUMMARY STATEMENT

Arturo Aguilar v. State of Idaho, Industrial Special Indemnity Fund
Docket No. 45581

Arturo Aguilar (Aguilar) appealed from the Findings of Fact and Conclusions of Law and Order of the Idaho Industrial Commission (the Commission). The Commission concluded the Idaho Industrial Special Indemnity Fund was not liable to Aguilar for worker's compensation benefits. The Commission based this ruling on its finding that Aguilar had failed to prove his pre-existing impairments combined with his second injury to cause total and permanent disability.

The Idaho Supreme Court vacated the Commission's order and remanded the case upon holding (1) that the Commission failed to shift the burden of proof to the ISIF after it was undisputed that Aguilar was regularly working at the time of his second injury, and (2) that the Commission failed to analyze both prongs of the disjunctive test set out in Idaho Code section 72-332(1).