

SUMMARY STATEMENT
Sharp v. Thomas Brothers Plumbing
Docket No. 48568

Daniel Sharp suffered an injury to his lower back from an accident at work in 2015. After back surgery, he was repeatedly advised to lose weight by the medical providers treating his injury. However, Sharp gained considerable weight instead. The Industrial Commission found that Sharp's functional ability had diminished between 2016, when he reached maximal medical improvement (MMI) after surgery, and 2019, when his permanent disability hearing was held. The Commission attributed the worsening of Sharp's condition to his weight gain, which it held to be a superseding cause of any increase in Sharp's disability post-MMI. Accordingly, the Commission evaluated Sharp's disability based on his condition at MMI, rather than the time of the hearing.

The Idaho Supreme Court vacated the Commission's decision and remanded for further proceedings. The Court held that the Commission erred by failing to evaluate Sharp's disability as of the time of the disability hearing as required by *Brown v. Home Depot*, 152 Idaho 605, 272 P.3d 577 (2012), erred by making certain factual determinations that were unsupported by substantial and competent evidence, and erred by applying the tort doctrine of superseding causes to Sharp's workers' compensation claim. Setting out the correct standard to apply on remand, the Court held that when an employee's compensable injury is aggravated by non-work-connected events, his employer remains liable for the aggravation unless it is the result of conduct that was undertaken by the employee with rash or deliberate disregard for a material risk that the aggravation would occur.

*****This Summary constitutes no part of the opinion of the Court, but has been prepared by Court staff for the convenience of the public.*****