

SUMMARY STATEMENT

Jordan v. Walmart Associates, Inc.

Docket Nos. 49452

This appeal involves a worker's compensation claim. Sue Jordan filed a complaint with the Idaho Industrial Commission seeking medical and death benefits for the death of her husband, an employee of a Walmart tire department. The employee collapsed from a stroke while he was working overtime at his place of employment, and he subsequently died in the hospital two days later from that stroke. The Idaho Industrial Commission determined that Sue Jordan, as the employee's widow, was entitled to death and medical benefits after finding that the employee's death arose in and out of the course of his employment. Walmart and New Hampshire Insurance Company appealed the Idaho Industrial Commission's decision to the Idaho Supreme Court, challenging the Commission's application of Idaho Code section 72-228's presumption that the employee's injury arose out of the course of employment where there was un rebutted evidence indicating that the injury arose in the course of employment and the employee had died. Walmart and New Hampshire Insurance Company also argued that Sue Jordan's failure to respond to discovery request should bar her from benefiting from the application of the statutory presumption.

The Idaho Supreme Court affirmed the Idaho Industrial Commission's decision, holding that: (1) Jordan met her burden of proving a compensable injury by presenting un rebutted evidence that her husband collapsed from a stroke while working overtime and performing employment duties; (2) the statutory presumption provided by Idaho Code section 72-228 is not a new theory of recovery but was inherent to Jordan's claim and the issue of causation; and (3) Jordan's failure to respond to discovery requests did not prevent Walmart and New Hampshire Insurance Company from pursuing other methods of managing the case or rebutting the presumption.

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