

## SUMMARY STATEMENT

*Arreola v. Scentsy*

Docket. No. 49511

This appeal arose out of the Idaho Industrial Commission’s order denying Veronica Arreola’s petition for a declaratory ruling and motion for reinstatement of compensation benefits. Arreola brought her petition and motion against the Granite State Insurance Co. (“the Surety”), when the Surety, without an order from the Commission—as permitted by our interpretation of Idaho Code section 72-434 in *Brewer v. La Crosse Health & Rehab*, 138 Idaho 859, 71 P.3d 458 (2003)—invoked section 72-434 to suspend Arreola’s compensation payments. In the Surety’s unilateral and private determination, suspending Arreola’s compensation payments under section 72-434 was appropriate because the Surety had purportedly scheduled Arreola’s Independent Medical Exam with its physician at a “reasonable” time, I.C. § 72-433(1), and Arreola had “unreasonably” failed to submit to or had obstructed the scheduled IME by not appearing, I.C. § 72-434. Arreola’s petition and motion disputed these private conclusions by the Surety. Arreola also maintained that only the Commission has the authority to adjudicate the underlying medical exam dispute and determine whether there is a factual basis to execute the enforcement mechanisms in Idaho Code section 72-434. The Commission denied the petition and motion, instructing Arreola to instead proceed through a complaint for relief. Arreola appealed.

On appeal, the Idaho Supreme Court concluded that its decision in *Brewer* interpreting Idaho Code section 72-434 was manifestly wrong. After interpreting the relevant statutes, the Court explained that only the Commission has the authority to adjudicate medical exam disputes, and to enforce that adjudication through the dual enforcement mechanisms in section 72-434 by ordering the suspension of an injured employee’s compensation payments, and “right to take or prosecute any proceedings” under the Worker’s Compensation Law, until the failure or obstruction by the injured employee related to the medical exam ceases.

In light of this, the Court explained that Arreola’s concern that the Surety’s unilateral execution of the dual enforcement mechanisms in section 72-434 also suspended her right to file a “complaint” to seek relief was now abated. With *Brewer* overruled and the authority of the Commission clarified, the Court explained that there is no legal impediment to filing a “complaint” below, as initially preferred by the Commission. Nevertheless, the Court did not affirm the Commission’s procedural preference. Given the shift in the legal landscape with *Brewer* overruled, the Court instead vacated the Commission’s order denying Arreola’s petition and motion, and remanded with instructions that the Commission: (1) order payment of prospective compensation payments that might be owed until such time as the Commission determines that payments are not required under section 72-434; (2) reconsider the appropriate procedural mechanism for adjudicating the underlying factual dispute; and (3) instruct the Surety what procedural mechanism it must use to obtain an order authorizing it to lawfully suspend compensation payments.

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