

SUMMARY STATEMENT

Nelson v. State of Idaho, Industrial Special Indemnity Fund
Docket No. 50485-2023

This case concerns Robert Nelson's claim against the Idaho Industrial Special Indemnity Fund ("ISIF") for total and permanent disability benefits. Nelson injured his back while lifting a garage door at work on March 29, 2018. After settling worker's compensation claims against his employer and its surety, Nelson pursued a claim for total and permanent disability against the ISIF, alleging that he became totally and permanently disabled due to the combination of his work-related back injury and several preexisting injuries. After a hearing, the referee found that Nelson was not a credible witness for several reasons, including that his hearing testimony was inconsistent with his prior deposition testimony and that Nelson had been convicted of misdemeanor insurance fraud approximately twenty-five years earlier, in connection with a prior claim for worker's compensation benefits. As a result, the referee assigned greater weight to the opinions of those doctors and vocational analysts that did not rely on Nelson's subjective representations. The referee ultimately recommended that Nelson failed to demonstrate (1) that he was totally and permanently disabled under the 100% or odd-lot methods and (2) that he suffered a permanent impairment as a result of the March 2018 accident. The Commission adopted the referee's recommendations in their entirety and denied Nelson's claim for total and permanent disability benefits against the ISIF.

Nelson timely appealed the Commission's decision to the Idaho Supreme Court and argued that the Commission's decision relied in large part on its finding that Nelson was not credible. Nelson argued that finding was erroneous because it was not supported by substantial and competent evidence and asked the Court to reverse the decision and remand the matter to the Commission for further proceedings.

The Court affirmed the Commission's decision denying Nelson's claim against the ISIF. Although the Court determined that the Commission erred in several of its credibility findings, the remainder of its credibility findings were supported by substantial and competent evidence and were sufficient to support its ultimate finding that Nelson was not a credible witness. Thus, because the Commission's overall credibility determination was based on some valid findings, the Court affirmed the Commission's decision that Nelson was not totally and permanently disabled. The Court declined to address the Commission's alternative finding that Nelson did not suffer a permanent impairment as a result of the March 2018 accident.

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