

SUMMARY STATEMENT

Douglas Westman v. Industrial Special Indemnity Fund
Docket No. 51719

Douglas Westman appeals an Industrial Commission decision that denied his claim for benefits against the Idaho Industrial Special Indemnity Fund. In 2015, Westman suffered a severe injury to his hand during an industrial accident when his right hand became caught in a meat grinder. After the accident, he underwent multiple surgeries but ultimately lost part of his palm and all fingers except his thumb. Westman experienced right shoulder pain that worsened after the accident, and he was diagnosed with complex regional pain syndrome.

Westman filed a claim against the ISIF, contending that his pre-existing impairments contributed to his total and permanent disability, thus implicating ISIF's liability. While all parties agreed that Westman was totally and permanently disabled under the odd-lot doctrine, the dispute centered on whether Westman's pre-existing impairments combined with the meat grinder injuries invoked ISIF liability under Idaho Code section 72-332. The Commission found that Westman's left wrist injury was a subjective hindrance; however, his other pre-existing injuries did not qualify as subjective hindrances because he was repeatedly cleared for full-duty work and functioned at a heavy physical labor level until the 2015 accident. The Commission concluded that the meat grinder injuries alone rendered Westman totally and permanently disabled. Therefore, ISIF was not liable for any disability benefits.

On appeal, Westman argued that the Commission incorrectly denied compensation from ISIF for the portion of his disability attributable to his left wrist injury because the Commission found that pre-existing impairment was a subjective hindrance.

The Idaho Supreme Court affirmed the Commission's decision because substantial and competent evidence supported the finding that Westman's total and permanent disability resulted solely from the 2015 meat grinder accident. The Court explained that, under Idaho Code section 72-332, Westman bore the burden of proving that the combined effects of his pre-existing impairment and the subsequent injuries resulted in total and permanent disability, *or* the subsequent injury aggravated and accelerated his pre-existing impairment to cause total and permanent disability. This burden required more than showing the presence of a pre-existing injury that was a subjective hindrance to employment; it required demonstrating that the 2015 injuries, in isolation, would not have rendered him totally and permanently disabled.

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