

## SUMMARY STATEMENT

*Mayer v. TPC Holdings, Inc.*  
Docket No. 43468

The Idaho Supreme Court affirmed the Industrial Commission's Decision and Order ruling that under Idaho Code section 72-431 income benefits for permanent partial disability less than total survive the death of the injured worker.

This case arose from an Industrial Commission decision relating to the survivability of claims for permanent partial disability when a claimant dies for reasons unrelated to the work accident. On February 10, 2012, Keith Mayer suffered a compensable workers' compensation injury when he suffered injuries to his back during the scope and course of his employment with TPC Holdings, Inc. On March 15, 2014, while still receiving Workers' Compensation benefits, Mayer died of a heart attack unrelated to the work accident. Mayer's impairment rating was paid out in full following his death. However, Mayer died before a determination was made as to what permanent disability benefits he may have been entitled to in excess of an impairment rating. On appeal, TPC Holdings, Inc. argued that section 72-431 was ambiguous and that the statute should be read to only allow for the survivability of income benefits based on a worker's impairment rating and not benefits based on a worker's permanent partial disability.

The Idaho Supreme Court affirmed the Industrial Commission, holding that the plain language of section 72-431 clearly allows for the survivability of income benefits for permanent partial disability in excess of a permanent partial impairment rating. The Court also held that the disability of the deceased worker could be evaluated after the worker's death.