

BOISE, FRIDAY, NOVEMBER 1, 2024 AT 8:50 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

CHRISTOPHER MIKLOS,)	
)	Docket No. 52032
Claimant-Appellant,)	
)	
v.)	
)	
L&W SUPPLY CORPORATION, Employer;)	
and INDEMNITY INSURANCE CO. OF)	
NORTH AMERICA, Surety,)	
)	
Defendants-Respondents.)	

Appeal from the Industrial Commission of the State of Idaho.

Mossman Law Office, LLP, Boise, for Appellant.

Gamel Law PLLC, Garden City, for Respondents.

Christopher Miklos appeals from the Industrial Commission’s decision denying his claim for continued worker’s compensation benefits. In October 2019, Miklos tore a tendon in his right ankle while carrying drywall sheets at a job site. The injury required extensive surgical repair. Miklos’ employer, L&W Supply Corporation, and its Surety, Indemnity Insurance Company of North America accepted Miklos’ worker’s compensation benefits claim. Miklos underwent treatment and surgery, which reduced his pain. Still, he continued to experience intermittent pain and swelling in his right ankle. At the Surety’s request, fifteen months after the injury, Miklos underwent an independent medical examination, which concluded that Miklos had achieved maximum medical improvement, had a seven percent impairment of his right lower extremity, and could be released to full-duty work with no restrictions. The Surety paid Miklos the impairment rating, stopped his benefit payments, and closed his worker’s compensation claim.

Shortly after, Miklos’ treating physician recommended a second MRI because of ongoing pain. At this time, L&W Supply no longer employed Miklos. The Surety denied the request. Miklos filed a complaint with the Idaho Industrial Commission in March 2021. After extended efforts to calendar a hearing, the Surety eventually approved a second MRI. The second MRI showed a recurrent tear of the same tendon in Miklos’ right ankle. Miklos’ orthopedic surgeon recommended a second surgery. However, the Surety denied the requested surgery.

In April 2023, the Commission held a bifurcated hearing on the issues of causation, temporary disability, and continued medical benefits. After the hearing, the Commission

concluded that Miklos failed to meet his burden of proof to show (1) a connection between the 2019 industrial accident and the recurrent tear to the tendon in his right ankle and (2) a right to ongoing medical treatment, including surgery. After Miklos unsuccessfully moved for reconsideration, he appealed to this Court.

On appeal, Miklos argues that the Commission violated its statutory duty under Idaho Code section 72-712 to set a hearing on Miklos' request for medical treatment, and this error prejudiced his substantial rights to continued benefits. Miklos also argues that the Commission failed to apply the correct legal standard regarding causation and the compensable consequences doctrine.