

SUMMARY STATEMENT

Nelson v. City of Pocatello

Docket No. 49171

The Idaho Supreme Court rejected an appeal from the City of Pocatello (“the City”) attempting to overturn an award of workers’ compensation benefits to a retired firefighter. Following a 21-year career as a firefighter with the City, Richard Nelson was diagnosed with leukemia. The Industrial Commission awarded Nelson benefits pursuant to Idaho Code sections 72-438(14)(b) and (c), which creates a rebuttable presumption that when firefighters suffer from certain occupational diseases, it was proximately caused by their employment. The City argued that the statute was unconstitutional and the legislative presumption was not scientifically sound.

The Idaho Supreme Court, applying a “rational-basis test,” concluded that the statute at issue, and the presumption it created for firefighters, was constitutional. Additionally, the Supreme Court agreed with the Industrial Commission’s conclusion that the City had failed to rebut the presumption by merely attempting to disprove the underlying scientific premise of the legislation, rather than by showing Nelson’s leukemia was unrelated to his employment as a firefighter. Attorney fees and costs were awarded to Nelson.

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