

SUPREME COURT OF IDAHO

Cutsinger v. Spears Manufacturing Co.

50 P.3d 479, 137 Idaho 464 (2002) · No. No. 26089 · Decided June 28, 2002

SUMMARY

The Idaho Supreme Court affirmed the Industrial Commission's denial of workers' compensation benefits to Charles E. Cutsinger for aggravation of a preexisting wrist condition. The court held that, under existing Idaho precedent, aggravation or acceleration of a preexisting condition is not compensable under an occupational disease theory absent an industrial accident. The court concluded that the 1997 amendment to Idaho Code section 72-439 did not overrule *Nelson v. Ponsness-Warren Idgas Enterprises*.

CASE DETAILS

COURT	Supreme Court of Idaho
WRITING FOR THE COURT	Trout, Chief Justice; Schroeder, Justice; Walters, Justice; Eismann, Justice; Kidwell, Justice
JURISDICTION	Idaho
DECIDED	June 28, 2002
DOCKET	No. 26089
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Idaho Industrial Commission's denial of workers' compensation benefits for aggravation of a preexisting condition.
STANDARD OF REVIEW	The court upheld factual findings supported by substantial and competent evidence; the cited standard also provides that the Commission's conclusions of law and statutory construction are freely reviewable.
PRECEDENTIAL VALUE	Published Idaho Supreme Court opinion; binding precedent in Idaho.
PARTIES	Charles E. Cutsinger, Claimant-Appellant v. Spears Manufacturing Company, Inc., Employer, AIU Insurance Company, Surety

TOPICS

- workers compensation
- occupational safety and health
- statutory interpretation
- administrative law

PRACTICE AREAS

workers compensation

employment law

statutory interpretation

administrative law

QUESTIONS PRESENTED

1. Whether the 1997 amendment to Idaho Code section 72-439 overruled *Nelson v. Ponsness-Warren Idgas Enterprises* and eliminated the requirement that an industrial accident aggravate or accelerate a preexisting condition before workers' compensation benefits may be awarded under an occupational-disease theory.
2. Whether substantial and competent evidence supported the Industrial Commission's finding that Cutsinger did not suffer a work-related accident that aggravated his preexisting condition.

HOLDINGS

1. The 1997 amendment did not overrule *Nelson*. Idaho Code section 72-439(3) addresses which employer is liable after compensation is payable for a compensable occupational disease; it does not alter the compensability rule requiring that aggravation or acceleration of a preexisting condition result from an industrial accident.
2. The Industrial Commission's denial of benefits was supported by substantial and competent evidence because Cutsinger did not prove that an industrial accident aggravated his preexisting condition, and he did not challenge that factual finding on appeal.

KEY QUOTATIONS

"There is nothing in the language of subparagraph (3) that purports to change the holding of Nelson that the aggravation or acceleration of an occupational disease is not compensable unless such aggravation or acceleration results from an industrial accident." (481)

FACTUAL BACKGROUND

Cutsinger had a longstanding left-elbow injury and underwent several surgeries before working for Spears Manufacturing. While performing fabricating work involving repetitive wrist movement, he developed renewed left wrist pain and swelling and underwent additional treatment and surgery. Medical evidence linked the wrist condition to his prior elbow injury and surgeries, while the referee found that Cutsinger failed to establish that a specific industrial accident caused the aggravation or acceleration of the preexisting condition.

PROCEDURAL HISTORY

A referee found that Cutsinger's repetitive wrist movements at work aggravated or accelerated his preexisting condition but that he failed to prove by a reasonable degree of medical probability that a work-related accident caused the aggravation. The Industrial Commission adopted the referee's findings and conclusions and denied benefits. Cutsinger appealed to the Supreme Court of Idaho, arguing that a 1997 amendment to Idaho Code section 72-439 overruled *Nelson v. Ponsness-Warren Idgas Enterprises* and eliminated the accident requirement.

DISPOSITION

affirmed

CASES CITED

- Nelson v. Ponsness-Warren Idgas Enters., 126 Idaho 129, 879 P.2d 592 (1994)
- Koch v. Micron Technology, 136 Idaho 885, 42 P.3d 678 (2002)
- State v. Quick Transp., Inc., 134 Idaho 240, 999 P.2d 895 (2000)
- Taylor v. Soran Rest., Inc., 131 Idaho 525, 960 P.2d 1254 (1998)
- Struhs v. Prot. Tech.'s, Inc., 133 Idaho 715, 992 P.2d 164 (1999)
- Reyes v. Kit Mfg. Co., 131 Idaho 239, 953 P.2d 989 (1998)
- Combes v. State Indus. Special Indem. Fund, 130 Idaho 430, 942 P.2d 554 (1997)
- McGee v. J.D. Lumber Co., 135 Idaho 328, 17 P.3d 272 (2000)
- DeMain v. Bruce McLaughlin Logging Co., 132 Idaho 782, 979 P.2d 655 (1999)
- Nycum v. Triangle Dairy Co., 109 Idaho 858, 712 P.2d 559 (1985)
- Carlson v. Batts, 69 Idaho 456, 207 P.2d 1023 (1949)
- Brooks v. Standard Fire Ins. Co., 117 Idaho 1066, 793 P.2d 1238 (1990)
- Wynn v. J.R. Simplot Co., 105 Idaho 102, 666 P.2d 629 (1983)
- Bowman v. Twin Falls Constr. Co., Inc., 99 Idaho 312, 581 P.2d 770 (1978)
- Callantine v. Blue Ribbon Linen Supply, 103 Idaho 734, 653 P.2d 455 (1982)
- Hazen v. General Store, 111 Idaho 972, 729 P.2d 1035 (1986)
- Kinney v. Tupperware Co., 117 Idaho 765, 792 P.2d 330 (1990)
- Hattenburg v. Blanks, 98 Idaho 485, 567 P.2d 829 (1977)
- Vernon v. Omark Indus., 113 Idaho 358, 744 P.2d 86 (1987)

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