

SUPREME COURT OF IDAHO

Hamilton ex rel. Hamilton v. Reeder Flying Service, 135 Idaho 568

21 P.3d 890 (2001) · No. No. 26079 · Decided January 26, 2001

SUMMARY

The Idaho Supreme Court affirmed the Industrial Commission's determination that an agricultural crop-spraying pilot's employment was exempt from workers' compensation coverage under the pre-April 2000 version of Idaho Code § 72-212(9). The court deferred to the Commission's longstanding interpretation that the exemption applied when the employer obtained the required insurance and Commission approval before the pilot's death or injury. The court also denied the claimant's request for attorney fees.

CASE DETAILS

COURT	Supreme Court of Idaho
WRITING FOR THE COURT	KIDWELL, Justice; Kidwell; Trout; Schroeder; Walters; McKee
JURISDICTION	Idaho
DECIDED	January 26, 2001
DOCKET	No. 26079
DISPOSITION	affirmed
PROCEDURAL POSTURE	Karen Hamilton appealed the Idaho Industrial Commission's decision determining that Darrell Hamilton's employment as an agricultural crop-spraying pilot was exempt from workers' compensation coverage under Idaho Code section 72-212(9).
STANDARD OF REVIEW	The Industrial Commission's conclusions of law and the construction and application of legislative acts are freely reviewable. Factual findings are upheld if supported by substantial, competent evidence. The court applies a four-prong test to determine whether deference is appropriate for an agency's statutory interpretation.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Karen Hamilton on behalf of Darrell Hamilton, deceased v. Reeder Flying Service, Idaho State Insurance Fund

TOPICS

statutory interpretation

workers compensation

administrative law

judicial review of agency action

legislative history

PRACTICE AREAS

workers compensation

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appellate procedure

QUESTIONS PRESENTED

1. Whether the Industrial Commission properly interpreted the pre-April 2000 version of Idaho Code section 72-212(9) to exempt an agricultural spray pilot from workers' compensation coverage when the employer obtained the required insurance before the pilot's injury or death and the Commission approved the coverage before that injury or death.
2. Whether Karen Hamilton was entitled to attorney fees on appeal.

HOLDINGS

1. The exemption applies when the employer obtains the requisite insurance and the Industrial Commission grants approval before the date of the pilot's death or injury; approval was not required before the pilot's first flight of the season under the statute as it then read.
2. Karen Hamilton was not entitled to attorney fees because she was not the prevailing party; independently, her failure to provide argument supporting the request would preclude recovery.

KEY QUOTATIONS

“The exemption for agricultural spray pilots codified in I.C. § 72-212(9) as it read prior to April of 2000 is triggered so long as the employer obtains the requisite insurance and the Commission grants approval prior to the date of death or injury.” (135 Idaho 568, 21 P.3d 890, at 895)

FACTUAL BACKGROUND

Reeder employed Darrell Hamilton as an agricultural crop-spraying pilot and obtained pilot accident insurance for him through an industry insurance program. Stonebraker received Hamilton's application and premium on May 15, 1995, and coverage was made effective that day. Hamilton made his first flight of the 1995 season on June 3, before the Industrial Commission approved the coverage on or about June 16. Hamilton died on July 29, 1995, while spraying a field for Reeder, after the Commission had approved the coverage.

PROCEDURAL HISTORY

Darrell Hamilton died while operating an agricultural spraying aircraft for Reeder Flying Service. His surviving spouse filed a workers' compensation claim seeking medical, death, and burial benefits. After a hearing, the Industrial Commission found that an industry custom and practice permitted the exemption when insurance was obtained before the pilot's first flight and Commission approval was obtained before the injury or death. The Idaho Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Taylor v. Soran Rest., Inc., 131 Idaho 525, 527, 960 P.2d 1254, 1256 (1998)
- Struhs v. Prot. Tech.'s, Inc., 133 Idaho 715, 722, 992 P.2d 164, 171 (1999)
- J.R. Simplot Co., Inc. v. Tax Comm'n, 120 Idaho 849, 862, 820 P.2d 1206, 1219 (1991)
- Kopp v. State, 100 Idaho 160, 163, 595 P.2d 309, 312 (1979)
- State v. Hagerman Water Right Owners, Inc., 130 Idaho 727, 733, 947 P.2d 400, 406 (1997)
- Rim View Trout Co. v. Higginson, 121 Idaho 819, 823-824, 828 P.2d 848, 852-853 (1992)
- Kootenai Elec. Coop., Inc. v. Washington Water Power Co., 127 Idaho 432, 435, 901 P.2d 1333, 1336 (1995)
- Garner v. Horkley Oil, 123 Idaho 831, 834 n.1, 853 P.2d 576, 579 n.1 (1993)
- State v. Zichko, 129 Idaho 259, 263, 923 P.2d 966, 967 (1996)

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