

1998

Mark Sandman v. Triumph Group and Liberty Mutual Insurance Company : Brief of Petitioner

Utah Court of Appeals

Follow this and additional works at: https://digitalcommons.law.byu.edu/byu_ca2

 Part of the [Law Commons](#)

Original Brief Submitted to the Utah Court of Appeals; digitized by the Howard W. Hunter Law Library, J. Reuben Clark Law School, Brigham Young University, Provo, Utah; machine-generated OCR, may contain errors.

Michael E. Dyer; Dori K. Peterson; Blackburn & Stoll; Attorneys for Defendants and Respondents; . Aaron J. Prisbrey; Attorney for Petitioner; Alan Hennebold; Labor Commission of Utah; Attorney for Labor Commission of Utah.

Recommended Citation

Legal Brief, *Sandman v. Triumph Group*, No. 980110 (Utah Court of Appeals, 1998).
https://digitalcommons.law.byu.edu/byu_ca2/1412

This Legal Brief is brought to you for free and open access by BYU Law Digital Commons. It has been accepted for inclusion in Utah Court of Appeals Briefs by an authorized administrator of BYU Law Digital Commons. Policies regarding these Utah briefs are available at http://digitalcommons.law.byu.edu/utah_court_briefs/policies.html. Please contact the Repository Manager at hunterlawlibrary@byu.edu with questions or feedback.

IN THE UTAH COURT OF APPEALS

MARK SANDMAN,

Applicant and Petitioner,

vs.

TRIUMPH GROUP and LIBERTY
MUTUAL INSURANCE COMPANY,

Defendants and Respondents.

Appellate Court Case No. 980110-CA

Priority No. 7

BRIEF OF PETITIONER

Petition for Review from the Board of Review
of the Industrial Commission of Utah
Benjamin A. Sims
Administrative Law Judge

Michael E. Dyer #3786
Dori K. Peterson # 7280
BLACKBURN & STOLL
77 West 200 South, Suite 400
Salt Lake City, UT 84101-1609
Attorneys for Defendants and Respondents
Triumph Group and
Liberty mutual Insurance Company

Alan Hennebold #4740
Labor Commission of Utah
160 East 300 South
Salt Lake City, UT 84111
Attorney for Labor Commission of Utah

Aaron J. Prisbrey #6968
135 North 900 East #4
St. George, UT 84770
Attorney For Petitioner
Mark Sandman

**UTAH COURT OF APPEALS
BRIEF**

UTAH
DOCUMENT
KFU

50

A10

DOCKET NO. 980110-CA

**PETITIONER RESPECTFULLY REQUESTS ORAL
ARGUMENT AND THAT THIS CASE BE REPORTED**

FILED

MAY - 1 1998

COURT OF APPEALS

PARTIES TO THE PROCEEDING

MARK SANDMAN
Applicant/Petitioner
3970 Wine Sapp Circle #232-8
Apple Valley, UT 84737

TRIUMPH GROUP (Quality Park Products, Co.)
Defendant/Respondent
3287 East Desert Dr.
St. George, UT 84770

LIBERTY MUTUAL INSURANCE COMPANY
Defendant/Respondent
127 South 500 East, Suite 510
Salt Lake City, UT 84145-0440

LABOR COMMISSION OF UTAH
160 East 300 South, 3rd floor
P.O. Box 146615
Salt Lake City, UT 84114-6615

TABLE OF CONTENTS

APPELLATE JURISDICTION	1
ISSUE	1
STANDARD OF REVIEW	2
DETERMINATIVE STATUTE	2
STATEMENT OF THE CASE	2
I. NATURE OF THE CASE	2
II. COURSE OF PROCEEDINGS	2
III. DISPOSITION IN THE AGENCY	3
IV. STATEMENT OF FACTS	3
SUMMARY OF ARGUMENT	4
ARGUMENT	5
I. THE ORAL REPORT TO PETITIONER’S SUPERVISOR WAS SUFFICIENT TO MEET THE 180 DAY NOTICE REQUIREMENT	5
II. THE FINDINGS OF THE ADMINISTRATIVE LAW JUDGE ARE NOT SUPPORTED BY THE EVIDENCE	7
CONCLUSION	9
CERTIFICATE OF SERVICE	9
ADDENDUM	11
UTAH CODE ANN. § 63-46b-16	11
UTAH CODE ANN. § 34A-2-407	12-13

TABLE OF AUTHORITIES

CASES

<u>Adams v. Industrial Comm’n</u> , 821 P.2d 1 (Utah Ct. App. 1991)	2, 8
<u>Bevans v. Industrial Comm’n</u> , 790 P.2d 573 (Utah Ct. App. 1990)	2
<u>Featherstone v. Industrial Comm’n</u> , 877 P.2d 1251 (Utah Ct. App. 1994)	2, 8
<u>Hartford Accident & Indem. Co. v. Industrial Comm’n</u> , 64 Utah 176, 228 P. 753 (Utah 1924)	5
<u>Johnson v. Department of Emp. Sec.</u> , 782 P.2d 965 (Utah Ct. App. 1989)	2
<u>Kennecott Corp. v. Industrial Comm’n</u> , 740 P.2d 305 (Utah Ct. App. 1987)	8
<u>Mannes-Vale, Inc. v. Vale</u> , 717 P.2d 709 (Utah 1986)	8
<u>Milne Truck Lines, Inc. v. Public Serv. Comm’n</u> , 720 P.2d 1373 (Utah 1986)	8-9
<u>Salt Lake City v. Industrial Comm’n</u> , 104 Utah 436, 140 P.2d 644 (Utah 1943)	5
<u>State Ins. Fund v. Perkes</u> , 672 P.2d 101 (Utah 1983)	5, 8

RULES AND STATUTES

UTAH CODE ANN. § 34A-2-407(1)	5, 12
UTAH CODE ANN. § 34A-2-407(2)	1, 2, 3, 4, 5, 12
UTAH CODE ANN. § 34A-2-407(3)	5, 12
UTAH CODE ANN. § 34A-2-407(7)	8, 12
UTAH CODE ANN. § 63-46b-16(1)	1, 11

IN THE UTAH COURT OF APPEALS

MARK SANDMAN,

Applicant and Petitioner,

vs.

TRIUMPH GROUP and LIBERTY
MUTUAL INSURANCE COMPANY,

Defendants and Respondents.

Appellate Court Case No. 980110-CA

Priority No. 7

BRIEF OF PETITIONER

APPELLATE JURISDICTION

The Court of Appeals has jurisdiction in this matter pursuant to UTAH CODE ANN. § 63-46b-16(1).

ISSUE

Was the finding by the Administrative Law Judge that petitioner failed to report his injury to his employer/supervisor within 180 days of the injury as required by UTAH CODE 34A-2-407(2) adequate when petitioner's supervisor testified that petitioner reported a work injury to him on the date of the injury?

STANDARD OF REVIEW

An Agency's factual findings will be upheld if supported by substantial evidence when viewed in light of the whole record. Johnson v. Department of Emp. Sec., 782 P.2d 965 (Utah Ct. App. 1989). Whether findings are adequate is a legal question that requires no deference to the Commission. Adams v. Industrial Comm'n, 821 P.2d 1, 4 (Utah Ct. App. 1991) (cited in Featherstone v. Industrial Comm'n of Utah, 877 P.2d 1251, 1253 n.3 (Utah Ct. App. 1994)). Moreover, the board's legal conclusions are given no deference, and a correction-of-error standard is applied. Bevans v. Industrial Comm'n, 790 P.2d 573 (Utah Ct. App. 1990).

DETERMINATIVE STATUTE

UTAH CODE ANN. § 34A-2-407(2) (See Addendum at page 12).

STATEMENT OF THE CASE

I. NATURE OF THE CASE

This case is before the Court on petition to review an order of the Board of Review of the Utah Labor Commission denying petitioner's workers' compensation benefits.

II. COURSE OF PROCEEDINGS

Petitioner claimed an industrial injury occurred on December 27, 1994. Two separate hearings were held. The first was held on February 11, 1997 in St. George, Utah and the second

was held via telephone on February 21, 1997 before the honorable Benjamin A. Sims, Administrative Law Judge of the Labor Commission of Utah. (“ALJ”).

The ALJ found that petitioner had not notified his employer of his work related injury within 180 days as required by statute (see UTAH CODE 34A-2-407(2)). The decision of the ALJ was affirmed by the Board of Review of the Labor Commission. It is from that decision that petitioner appeals to this Court.

III. DISPOSITION IN THE AGENCY

The Board issued a final decision on January 30, 1998. The Board affirmed the decision of the ALJ denying petitioner workers compensation benefits.

IV. STATEMENT OF FACTS

1. On September 9, 1996, petitioner filed an Application for Hearing with the Industrial Commission of Utah claiming he was injured within the course of his employment with Defendant Quality Park Products, Inc.,¹ on December 27, 1994 when he was moving a roll of paper to load on a machine. He claimed as a result he injured his back and neck. R 2.

2. Al Kyker was petitioner’s supervisor with Quality Park Products on December 27, 1994. R 197.

3. On direct examination Kyker testified that petitioner did not report an injury to him on December 27, 1994. R 199-200.

¹ At some point in the proceedings, Quality Park Products Inc. apparently changed its name to Triumph Group and is listed in the record under both names. For purposes of this appeal, they are believed to be synonymous.

4. However, on cross examination Kyker admitted that on December 27, 1994, petitioner approached him and told him “. . . that his back was bothering him and he had hurt it. And that he was going to the emergency of the Dixie Hospital.” Kyker testified that he understood petitioner’s remarks to mean that petitioner had aggravated his back on the job on December 27, 1994. He also testified that petitioner only worked four or five hours on the date of the injury. R 204-205.

5. Even though he had reported his injury to Kyker, Kyker testified that petitioner requested that Kyker not file a report that he had been injured on the job. R 207.

6. Kyker never filed a first report of injury on behalf of petitioner. R 201.

7. On September 6, 1997, the ALJ issued Findings of Fact Conclusions of Law and Order finding that petitioner did not notify his supervisor of his injury within 180 days of the accident. R 172.

8. On January 30, 1998, the Board of Review issued an Order Denying Motion for Review wherein it adopted the findings of the ALJ and affirmed the decision of the ALJ. R 190.

SUMMARY OF ARGUMENT

Al Kyker was petitioner’s supervisor on December 27, 1994. Petitioner was injured on that date. After working four or five hours, petitioner told Kyker that he had injured his back on the job. He then went to Dixie Hospital. By telling his supervisor he was injured at work, petitioner satisfied the 180 notice requirement of Section 34A-2-407(2). It is irrelevant the notice was not in writing. The ALJ completely ignored Kyker’s testimony that petitioner informed him

of the work injury and the ALJ's findings are insufficient to support the conclusion that petitioner never provided timely notice of injury.

ARGUMENT

I. THE ORAL REPORT TO PETITIONER'S SUPERVISOR WAS SUFFICIENT TO MEET THE 180 DAY NOTICE REQUIREMENT.

Regarding the reporting of Industrial injuries, UTAH CODE ANN. § 34A-2-407 provides:

(1) Any employee sustaining an injury arising out of and in the course of employment shall provide notification to the employee's employer promptly of the injury. If the employee is unable to provide notification, the employee's next-of-kin or attorney may provide notification of the injury to the employee's employer.

(2) Any employee who fails to notify the employee's employer or the division within 180 days of an injury is barred for any claim of benefits arising from the injury.

There is no requirement that notification of injury be in writing. For example, if an employee's supervisor sees the accident, the notice requirement is met. See, Hartford Accident & Indem. Co. v. Industrial Comm'n, 64 Utah 176, 228 P. 753 (1924); Salt Lake City v. Industrial Comm'n, 104 Utah 436, 140 P.2d 644 (1943). Also, if a self employed worker is injured, notice is deemed automatically given. State Ins. Fund v. Perkes, 672 P.2d 101 (Utah 1983). Likewise, an employer's injury report, a physician's injury report or the mere payment of medical or disability benefits by the employer or the employer's insurance carrier satisfies the notice requirement. UTAH CODE ANN. § 34A-2-407(3).

In this situation, it is fairly clear that petitioner's supervisor was told of petitioner's injuries on the date of injury. On cross examination, petitioner's supervisor, Mr. Kyker testified as follows:

Q: In response - you testified to an event that happened at Quality Park bark [sic] on December 27, 1994; is that correct?

A: Yes.

Q: And you have a fairly good memory of what, what happened on that date?

A: Yes, I do.

Q: Is there any particular reason why you - that date sticks out in your mind?

A: The reason was that Mark Sandman told me that he was going to emergency for his back. And it had been bothering him previously. And I asked him if he wanted me to report it as an injury and he said no, it wasn't that, that he was gonna go on his own.

Q: On December 27, 1994?

A: No. Several times previous to that and then on December 27th.

Q: Well, let's talk about December 27, 1994. What did he tell you?

A: He told me that he, that his back was bothering him and he had hurt it. And that he was going to the emergency of the Dixie Hospital.

Q: Well, when he said that he had hurt his back, was he referring to hurting it on the job?

A: Um, I believe he was referring to aggravating it.

Q: Okay. So he told you that he had aggravated his back on the job on December 27, 1994?

A: Right, approximate.
(Pause)

THE COURT: Are we all still here?

SPEAKERS UNKNOWN: Yeah. Yes.

MR. DYER: Okay, your Honor, I'm just thinking.

Q: (By Mr. Dyer) And so he only worked four or five hours that day and then went to the emergency room?

A: Yep, it was somewhere in there yes.

MR. PRISBREY: I don't have anything further, your Honor. R 204-205.

This admission by petitioner's supervisor is clearly sufficient to meet the requirements of the notice provision of the statute.

II. THE FINDINGS OF THE ADMINISTRATIVE LAW JUDGE ARE NOT SUPPORTED BY THE EVIDENCE.

In the Findings of Fact Conclusions of Law and Order, the ALJ found as follows:

The supervisor to whom the petitioner should have submitted his initial **report** of work injury indicated that a **report** would have been filled out if the petitioner had told them that he had hurt himself on the job . . . Had the petitioner informed the supervisor, he would have been sent to personnel to fill out a notification of injury **form**. No such **form** exists.

The supervisor was aware that the petitioner had previously existing back problems. The petitioner has complained to him regularly prior to the alleged accident about his back problems. **The supervisor is certain that an industrial accident was not reported to him.** No **form** was filled out and no injury was ever **reported** by petitioner. The petitioner had indicated to the supervisor that the problems did not relate to work.

Thus, the evidence does not rise to a preponderance that the petitioner ever reported the back injury to his employer within 180 days of December 27, 1994. . . . (Emphasis added). R 172.

Since there was no report filed, the ALJ found that the 180 day notice requirement had not been met. This argument is not tenable. "An employer's failure to file a report of an

employee's accident and injury . . . may not provide a defense to a later claim on the ground that the claim was not timely filed." Mannes-Vale, Inc. v. Vale, 717 P.2d 709, 710 n.1 (Utah 1986) (citing State Ins. Fund v. Perkes, 672 P.2d 101 (Utah 1983)); See also, Kennecott Corp. v. Industrial Comm'n, 740 P.2d 305 (Utah Ct. App. 1987).

In this situation, petitioner's supervisor testified that petitioner reported the injury to him and after discussion requested that the form not be filed. Regardless of petitioner's request, his supervisor had an obligation to file a first report of injury. Failure to do so could result in misdemeanor charges being filed pursuant to UTAH CODE § 34A-2-407(7). It was for reasons such as this that the Court in Mannes-Vale, Perkes and Kennecott, supra held that the employer could not avail itself of the 180 day notice defense for failure to file a first report of injury. The employer in this situation should not be able to avail itself of the defense either as Kyker failed to file a first report of injury when petitioner told him he had been injured on the job.

Possibly the most troubling finding of the ALJ is that "the supervisor is certain that an industrial accident was not reported to him." (Emphasis added). R 172. Kyker's testimony is fairly clear that petitioner informed him of his work injury. The ALJ makes no mention of this admission in his Findings of Fact. The finding is clearly not based on substantial evidence when viewed in light of Kyker's testimony.

Whether findings are adequate is a legal question that requires no deference to the Commission. Adams v. Industrial Comm'n, 821 P.2d 1, 4 (Utah Ct. App. 1991) (cited in Featherstone v. Industrial Comm'n of Utah, 877 P.2d 1251, 1253 n.3 (Utah Ct. App. 1994). In Milne Truck Lines, Inc. v. Public Serv. Comm'n, the Court stated that it is "essential that the Commission make subsidiary findings in sufficient detail that the critical subordinate factual

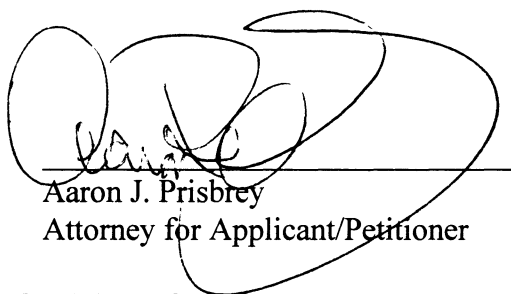
issues are focused on and resolved in such a fashion as to demonstrate that there is a logical and legal basis for the ultimate conclusions.” 720 P.2d 1373, 1378 (Utah 1986).

The findings of fact in this case are certainly inadequate since they ignore an admission by petitioner’s supervisor that an industrial injury was reported to him on the date of the accident.

CONCLUSION

The ALJ’s determination that petitioner failed to report his industrial injury to his employer within 180 days is contrary to the evidence. The omission of crucial testimony by petitioner’s supervisor in the ALJ’s findings of fact is critical. Petitioner respectfully requests the Court reverse the finding of the ALJ that petitioner did not give notice to his employer of his injury within 180 days and remand this case for a determination of benefits in accordance with the evidence produced at hearing.

DATED this 1st day of May 1998.



Aaron J. Prisbrey
Attorney for Applicant/Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of May, 1998, a copy of the foregoing BRIEF OF PETITIONER was mailed, postage prepaid, as follows:

Utah Court of Appeals
450 South State Street
P.O. Box 140230
Salt Lake City, Utah 84111-0230

(1) original

(8) copies

Alan Hennebold
Utah Labor Commission
160 South 300 East, Third Floor
Post Office Box 146610
Salt Lake City, Utah 84114-6610

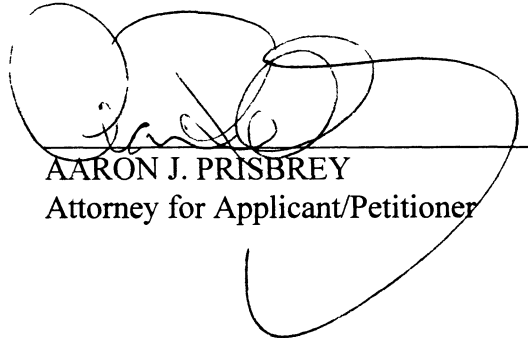
(2) copies

Mr. Michael E. Dyer
Dori K. Peterson
BLACKBURN & STOLL
77 West 200 South, Suite 400
Salt Lake City, UT 84101-1609

(2) copies

Mr. Mark Sandman
3970 Wine Sap Circle #232-8
Apple Valley UT 84737

(1) copy



AARON J. PRISBREY
Attorney for Applicant/Petitioner

ADDENDUM

UTAH CODE ANN. § 63-46b-16 (1997)

Judicial review -- Formal adjudicative proceedings

- (1) As provided by statute, the Supreme Court or the Court of Appeals has jurisdiction to review all final agency action resulting from formal adjudicative proceedings.
- (2) (a) To seek judicial review of final agency action resulting from formal adjudicative proceedings, the petitioner shall file a petition for review of agency action with the appropriate appellate court in the form required by the appellate rules of the appropriate appellate court.
(b) The appellate rules of the appropriate appellate court shall govern all additional filings and proceedings in the appellate court.
- (3) The contents, transmittal, and filing of the agency's record for judicial review of formal adjudicative proceedings are governed by the Utah Rules of Appellate Procedure, except that:
 - (a) all parties to the review proceedings may stipulate to shorten, summarize, or organize the record;
 - (b) the appellate court may tax the cost of preparing transcripts and copies for the record:
 - (i) against a party who unreasonably refuses to stipulate to shorten, summarize, or organize the record; or
 - (ii) according to any other provision of law.
- (4) The appellate court shall grant relief only if, on the basis of the agency's record, it determines that a person seeking judicial review has been substantially prejudiced by any of the following:
 - (a) the agency action, or the statute or rule on which the agency action is based, is unconstitutional on its face or as applied;
 - (b) the agency has acted beyond the jurisdiction conferred by any statute;
 - (c) the agency has not decided all of the issues requiring resolution;
 - (d) the agency has erroneously interpreted or applied the law;
 - (e) the agency has engaged in an unlawful procedure or decision-making process, or has failed to follow prescribed procedure;
 - (f) the persons taking the agency action were illegally constituted as a decision-making body or were subject to disqualification;
 - (g) the agency action is based upon a determination of fact, made or implied by the agency, that is not supported by substantial evidence when viewed in light of the whole record before the court;
 - (h) the agency action is:
 - (i) an abuse of the discretion delegated to the agency by statute;
 - (ii) contrary to a rule of the agency;
 - (iii) contrary to the agency's prior practice, unless the agency justifies the inconsistency by giving facts and reasons that demonstrate a fair and rational basis for the inconsistency; or
 - (iv) otherwise arbitrary or capricious.

HISTORY: C. 1953, 63-46b-16, enacted by L. 1987, ch. 161, § 272; 1988, ch. 72, § 26.

Reporting of industrial injuries -- Regulation of health care providers

- (1) Any employee sustaining an injury arising out of and in the course of employment shall provide notification to the employee's employer promptly of the injury. If the employee is unable to provide notification, the employee's next-of-kin or attorney may provide notification of the injury to the employee's employer.
- (2) Any employee who fails to notify the employee's employer or the division within 180 days of an injury is barred for any claim of benefits arising from the injury.
- (3) The following constitute notification of injury:
 - (a) an employer's or physician's injury report filed with the division, employer, or insurance carrier; or
 - (b) the payment of any medical or disability benefits by the employer or the employer's insurance carrier.
- (4) (a) In the form prescribed by the division, each employer shall file a report with the division of any:
 - (i) work-related fatality; or
 - (ii) work-related injury resulting in:
 - (A) medical treatment;
 - (B) loss of consciousness;
 - (C) loss of work;
 - (D) restriction of work; or
 - (E) transfer to another job.

(b) The employer shall file the report required by Subsection (4)(a) within seven days after:

 - (i) the occurrence of a fatality or injury;
 - (ii) the employer's first knowledge of the fatality or injury; or
 - (iii) the employee's notification of the fatality or injury.

(c) Each employer shall file a subsequent report with the division of any previously reported injury that later resulted in death. The subsequent report shall be filed with the division within seven days following:

 - (i) the death; or
 - (ii) the employer's first knowledge or notification of the death.

(d) A report is not required for minor injuries, such as cuts or scratches that require first-aid treatment only, unless a treating physician files, or is required to file, the Physician's Initial Report of Work Injury or Occupational Disease with the division.
- (5) Each employer shall provide the employee with:
 - (a) a copy of the report submitted to the division; and
 - (b) a statement, as prepared by the division, of the employee's rights and responsibilities related to the industrial injury.
- (6) Each employer shall maintain a record in a manner prescribed by the division of all:
 - (a) work-related fatalities; or
 - (b) work-related injuries resulting in:
 - (i) medical treatment;
 - (ii) loss of consciousness;
 - (iii) loss of work;
 - (iv) restriction of work; or
 - (v) transfer to another job.
- (7) Any employer who refuses or neglects to make reports, to maintain records, or to file reports with the division as required by this section is guilty of a class C misdemeanor and subject to citation under Section 34A-6-302 and a civil assessment as provided under Section 34A-6-307, unless the division finds that the employer has shown good cause for submitting a report later than required by this section.

(8) (a) Except as provided in Subsection (8)(c) all physicians, surgeons, and other health providers attending injured employees shall:

(i) comply with all the rules, including the schedule of fees, for their services as adopted by the commission; and

(ii) make reports to the division at any and all times as required as to the condition and treatment of an injured employee or as to any other matter concerning industrial cases they are treating.

(b) A physician, as defined in Subsection 34A-2-111(2), who is associated with, employed by, or bills through a hospital is subject to Subsection (8)(a).

(c) A hospital is not subject to the requirements of Subsection (8)(a).

(d) The commission's schedule of fees may reasonably differentiate remuneration to be paid to providers of health services based on:

(i) the severity of the employee's condition;

(ii) the nature of the treatment necessary; and

(iii) the facilities or equipment specially required to deliver that treatment.

(e) Subsection (8) does not modify contracts with providers of health services relating to the pricing of goods and services existing on May 1, 1995.

(f) In accordance with Title 63, Chapter 46b, Administrative Procedures Act, a physician, surgeon, or other health provider may file with the Division of Adjudication an application for hearing to appeal a decision or final order to the extent it concerns the fees charged by the physician, surgeon, or other health provider in accordance with this section.

(9) A copy of the physician's initial report shall be furnished to:

(a) the division;

(b) the employee; and

(c) the employer or its insurance carrier.

(10) Any physician, surgeon, or other health provider, excluding any hospital, who refuses or neglects to make any report or comply with this section is guilty of a class C misdemeanor for each offense, unless the division finds that there is good cause for submitting a late report.

(11) (a) Subject to appellate review under Section 34A-1-303, the commission has exclusive jurisdiction to hear and determine whether the treatment or services rendered to employees by physicians, surgeons, or other health providers are:

(i) reasonably related to industrial injuries or occupational diseases; and

(ii) compensable pursuant to this chapter or Chapter 3, Utah Occupational Disease Act.

(b) Except as provided in Subsection (11)(a), Subsection 34A-2-211(7), or Section 34A-2-212, a person may not maintain a cause of action in any forum within this state other than the commission for collection or payment of a physician's, surgeon's, or other health provider's billing for treatment or services that are compensable under this chapter or Chapter 3, Utah Occupational Disease Act.

HISTORY: C. 1953, 35-1-97, enacted by L. 1990, ch. 69, § 5; 1994, ch. 224, § 11; 1995, ch. 308, § 1; renumbered by L. 1996, ch. 240, § 150; 1997, ch. 205, § 1; renumbered by L. 1997, ch. 375, § 115.