

1992

# Jamie Bacon v. Board of Review of the Industrial Commission of Utah : Reply Brief

Utah Court of Appeals

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Sandra N. Dredge; Anderson & Dredge; Counsel for Appellant.

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STATE COURT OF APPEALS  
BRIEF

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DOCKET NO. 920274

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IN THE UTAH COURT OF APPEALS

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JAMIE BACON,

Petitioner/Appellant,

vs.

BOARD OF REVIEW OF THE  
INDUSTRIAL COMMISSION OF  
UTAH; INTERMOUNTAIN POWER  
SERVICE CORPORATION; and  
WAUSAU INSURANCE COMPANIES

Defendants/Appellees.

\*  
\* Court of Appeals Case No.  
\* 920274-CA  
\*  
\*  
\* Priority No. 7  
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\*  
\* Industrial Commission  
\* Case No. 91001038  
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APPELLANT'S REPLY BRIEF

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APPEAL FROM DISMISSAL OF A WORKER'S COMPENSATION  
CLAIM FILED WITH THE INDUSTRIAL COMMISSION OF UTAH

---

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FILED

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COURT OF APPEALS

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IN THE UTAH COURT OF APPEALS

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|----------------------------|---|---------------------------|
| JAMIE BACON,               | * |                           |
|                            | * | Court of Appeals Case No. |
| Petitioner/Appellant,      | * | 920274-CA                 |
|                            | * |                           |
| VS.                        | * |                           |
|                            | * | Priority No. 7            |
|                            | * |                           |
| BOARD OF REVIEW OF THE     | * |                           |
| INDUSTRIAL COMMISSION OF   | * |                           |
| UTAH; INTERMOUNTAIN POWER  | * | Industrial Commission     |
| SERVICE CORPPORATION; and  | * | Case No. 91001038         |
| WAUSAU INSURANCE COMPANIES | * |                           |
|                            | * |                           |
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## INTRODUCTION

The defendants ("Intermountain Power") insist that the Industrial Commission correctly dismissed Ms. Bacon's claim with prejudice, despite ample evidence of her physical limitations and ineffective counsel. A careful reading of the Utah cases and applicable statutory law indicates the injustice of this decision in light of the circumstances of Ms. Bacon's case.

## ARGUMENT

### I. DISMISSAL WITH PREJUDICE IS NOT AN APPROPRIATE ACTION GIVEN THE CIRCUMSTANCES OF MS. BACON'S CASE

A dismissal with prejudice of Ms. Bacon's claim creates a hardship on an injured worker that goes far beyond the intent of established Utah law. While Rule 37(d) of the Utah Rules of Civil Procedure authorizes the court to take sanctions "as are just," (see Addendum) the facts of Ms. Bacon's case fail to rise to the level of misconduct evident in the Utah cases cited by Intermountain Power. Furthermore, worker's compensation proceedings do not adhere to statutory rules of procedure, and must construe the law generously in favor of the employee.

First, both Utah cases cited do not concern a plaintiff seeking redress for physical injuries suffered in the workplace. In Amica Mutual Insurance Co. v. Schettler, 768 P.2d 950 (Utah Ct. App. 1989), the party seeking reversal of a default judgement

was defending an insurance fraud claim. This Court stated that "[i]mposing sanctions for a party's refusal to respond to a court order compelling discovery is a harsh sanction and therefore, requires a "showing of willfulness, bad faith, or fault on the part of the non-complying party." Id. at 961. The defendant, after defrauding his insurance company, left a trail of "aggravated misconduct in the form of willful and deliberate disobedience of discovery orders, fabricated testimony, and attempted witness tampering." Id. at 962. This Court rightfully upheld the sanctions against him. In contrast, Ms. Bacon did not file her claim in bad faith, nor willfully refuse to answer interrogatories. She was suffering from a stress-related industrial injury and accordingly relied on her original attorney to pursue her claim properly. The sanction is particularly harsh, since Worker's Compensation precludes her pursuing her employer for compensation for her work injuries.

Similarly, the Utah Supreme Court found that a default judgement was "a stringent measure which should be employed with caution and restraint only where the failure has been wilful[sic] and the interests of justice so demand. Except in very aggravated cases, less serious sanctions undoubtedly could be applied to accomplish the desired result." Tucker Realty, Inc. v. Nunley, 396 P.2d 410, 412 (Utah 1964). The non-complying defendant in Nunley failed to produce documents supporting his claim of a debt discharge, and gave the court inconsistent information concerning the alleged documents; the court found

this behavior to be willful disregard of the proceedings. Id. at 413. Again, Ms. Bacon's failure to provide, via her original attorney, a complete application and response to interrogatories should be viewed in light of her disabilities. Her conduct was neither willful nor deliberate; her injuries precluded active participation in her claim, and she relied, to her detriment, on her attorney.

Furthermore, Rule 37(d) is not even applicable to Industrial Commission hearings, and thus Intermountain Power put misplaced reliance on an Arkansas decision based on statutes substantially different than the pertinent Utah statutes. Loosey v. Osmose Wood Preserving Co., 744 S.W.2d 402 (Ark. Ct. App. 1988). According to Arkansas law at the time the case was decided, the Worker's Compensation Commission's Rule 16 regulated discovery for claims before it: "Depositions may be taken and discovery had by any party after the claim has been controverted in accordance with the statutory provisions and rule of civil procedure relating to civil actions in the Chancery and Circuit Courts of this State. . ." 744 S.W.2d at 403 (emphasis added). In sum, discovery followed the Arkansas rules of civil procedure, including Rule 37(d) sanctions.

In contrast, while Utah Rule 37(d) has the same sanction provisions as its Arkansas counterpart, the Utah statute on Industrial Commission administrative hearings mandates informal proceedings without adherence to established rules of procedure: "Neither the commission nor its hearing examiner shall be bound



by the usual common-law or statutory rules of evidence, or by any technical or formal rules of procedure, other than as herein provided or as adopted by the commission pursuant to this act." Utah Code Ann. § 35-1-88 (1988) (emphasis added) (see Addendum). Thus, the Industrial Commission is not bound by the Utah Rules of Procedure, particularly Rule 37(d) sanctions. Granted, Utah Industrial Commission Rule R490-1-4(h) (see Addendum) states that failure to comply with such requests may result in the dismissal of a claim," but offers an alternative sanction of "delay in the scheduling of a hearing."

In addition, the Industrial Commission's decision to dismiss with prejudice violated the spirit and intent of the Worker's Compensation Act to protect employees; the Act must be construed liberally in favor of the employee. Jones v. California Packing Corp., 244 P.2d 640 (Utah 1952); Salt Lake City v. Industrial Commission, 140 P.2d 644 (Utah 1943); Park Utah Consolidated Mines Co. v. Industrial Commission, 64 P.2d 363 (Utah 1934).

Therefore, given the care and caution exercised by the Utah courts in using a Rule 37 dismissal with prejudice, and the informal, employee-oriented approach of worker's compensation proceedings, the Industrial Commission erred in dismissing Ms. Bacon's case with prejudice given the circumstances of her disabilities.

**II. MS. BACON USED DUE DILIGENCE TO THE BEST OF HER ABILITY IN RESPONDING TO THE INTERROGATORIES.**

Intermountain Power wrongfully accused Ms. Bacon of failing to cooperate not only with the Commission, but her original attorney Mr. Lish. Ms. Bacon did not receive the interrogatory forms from Mr. Lish until January 14, 1992 (See Appellant's Brief p. 5), and mailed the completed forms back to him on January 24, 1992 (see letter in Appellees' Brief, Addendum F). Furthermore, Ms. Bacon did not, contrary to Intermountain Power's rather fanciful interpretation, deliberately refuse to cooperate with Mr. Lish in giving him a full accounting of the facts precipitating her injury. A straightforward reading of his Motion for Review indicates that he made an unsuccessful attempt to get a statement of facts from Wausau's claims adjuster rather than cause additional stress upon Ms. Bacon. Mr. Lish made a tactical decision, based on Ms. Bacon's disabled state, to go elsewhere for information for the interrogatories rather than submit the forms to Ms. Bacon. At no time was she intentionally uncooperative, as Intermountain Power insinuates.

Consequently, Ms. Bacon failure to file the interrogatories was not due to her careless or deliberate disregard of the requests.

**CONCLUSION**

This Court should reverse the Administrative Law Judge's dismissal with prejudice, and remand for hearing on Ms. Bacon's amended application.

DATED this 12<sup>th</sup> day of November 1992.

ANDERSON AND DREDGE

By: Sandra N. Dredge  
Sandra N. Dredge  
Attorney for the Appellant

MAILING CERTIFICATE

I hereby certify that four true and correct copies of the foregoing instrument were mailed, first class, postage prepaid on this 12<sup>th</sup> day of November, 1992, to the following:

Michael E. Dyer  
Michael A. Peterson  
Richards, Brandt, Miller & Nelson  
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Benjamin A. Simms  
Board of Review  
Industrial Commission of Utah  
160 E. 300 South  
P.O. Box 510250  
Salt Lake City, Utah 84151

Sandra H. Hodge

## **A D D E N D U M**

Rule 37(d), Utah Rules of Civil Procedure  
Rule R490-1-4(h), Industrial Commission of Utah  
Utah Code Ann. § 35-1-88

their authenticity, to accept a copy of defendant's written admissions served upon plaintiff as compliance with the rules; where the trial court chose the latter option, it was proper to permit plaintiff to recite defendant's admissions into the record. *Triple I Supply, Inc. v. Sunset Rail, Inc.*, 652 P.2d 1298 (Utah 1982).

—**Failure to respond.**

—**Objectionable matter.**

Even if a request for an admission is objectionable, if a party fails to object and fails to respond to the request, then that party should be held to have admitted the matter. *Jensen v. Pioneer Dodge Ctr., Inc.*, 702 P.2d 98 (Utah 1985).

—**Prison inmate.**

When inmate served requests for admissions and interrogatories on prison officials in action for recovery of value of personal property taken from him, on failure of officials to respond to the requests, apply for extension of time, or move to amend or withdraw their admissions pursuant to Subdivision (b), all the facts were

deemed admitted and the inmate was entitled to judgment against the officials. *Schmitt v. Billings*, 600 P.2d 516 (Utah 1979).

—**Motion to dismiss.**

—**Tolling.**

Filing a motion to dismiss did not toll effect of Subdivision (a), which treats requests for admissions which are not answered within 45 days as if admitted and as a proper basis for summary judgment. *Schmitt v. Billings*, 600 P.2d 516 (Utah 1979).

—**Punitive damages.**

Where plaintiff requests an admission of punitive damages in an amount unrelated to actual damages, the court, as a matter of equity, must intervene and examine the admission. *Jensen v. Pioneer Dodge Ctr., Inc.*, 702 P.2d 98 (Utah 1985).

Cited in *Utah Sand & Gravel Prods. Corp. v. Salt Lake County Comm'n*, 14 Utah 2d 151, 379 P.2d 379 (1963); *W.W. & W.B. Gardner, Inc. v. Park West Village, Inc.*, 568 P.2d 734 (Utah 1977).

#### COLLATERAL REFERENCES

**Am. Jur. 2d.** — 23 Am. Jur. 2d Depositions and Discovery §§ 314 to 325.

**C.J.S.** — 27 C.J.S. Discovery §§ 88 to 110.

**A.L.R.** — Continuance sought to secure testimony of absent witness in civil case, admissions to prevent, 15 A.L.R.3d 1272.

Party's duty, under Federal Rule of Civil Procedure 36(a) and similar state statutes and rules, to respond to request for admission of

facts not within his personal knowledge, 20 A.L.R.3d 756.

Formal sufficiency of response to request for admissions under state discovery rules, 8 A.L.R.4th 728.

Permissible scope, respecting nature of inquiry, of demand for admissions under modern state civil rules of procedure, 42 A.L.R.4th 489.

**Key Numbers.** — Discovery ⇨ 121 to 129.

### Rule 37. Failure to make or cooperate in discovery; sanctions.

(a) **Motion for order compelling discovery.** A party, upon reasonable notice to other parties and all persons affected thereby, may apply for an order compelling discovery as follows:

(1) **Appropriate court.** An application for an order to a party may be made to the court in which the action is pending, or, on matters relating to a deposition, to the court in the district where the deposition is being taken. An application for an order to a deponent who is not a party shall be made to the court in the district where the deposition is being taken.

(2) **Motion.** If a deponent fails to answer a question propounded or submitted under Rule 30 or 31, or a corporation or other entity fails to make a designation under Rule 30(b)(6) or 31(a), or a party fails to answer an interrogatory submitted under Rule 33, or if a party, in response to a request for inspection submitted under Rule 34, fails to respond that inspection will be permitted as requested or fails to permit inspection as requested, the discovering party may move for an order compelling an answer, or a designation, or an order compelling inspection in accordance

with the request. When taking a deposition on oral examination, the proponent of the question may complete or adjourn the examination before he applies for an order.

If the court denies the motion in whole or in part it may make such protective order as it would have been empowered to make on a motion made pursuant to Rule 26(c).

(3) **Evasive or incomplete answer.** For purposes of this subdivision an evasive or incomplete answer is to be treated as a failure to answer.

(4) **Award of expenses of motion.** If the motion is granted, the court shall, after opportunity for hearing, require the party or deponent whose conduct necessitated the motion or the party or attorney advising such conduct or both of them to pay to the moving party the reasonable expenses incurred in obtaining the order, including attorney fees, unless the court finds that the opposition to the motion was substantially justified or that other circumstances make an award of expenses unjust.

If the motion is denied, the court shall, after opportunity for hearing, require the moving party or the attorney advising the motion or both of them to pay to the party or deponent who opposed the motion the reasonable expenses incurred in opposing the motion, including attorney fees, unless the court finds that the making of the motion was substantially justified or that other circumstances make an award of expenses unjust.

If the motion is granted in part and denied in part, the court may apportion the reasonable expenses incurred in relation to the motion among the parties and persons in a just manner.

**(b) Failure to comply with order.**

(1) **Sanctions by court in district where deposition is taken.** If a deponent fails to be sworn or to answer a question after being directed to do so by the court in the district in which the deposition is being taken, the failure may be considered a contempt of that court.

(2) **Sanctions by court in which action is pending.** If a party or an officer, director, or managing agent of a party or a person designated under Rule 30(b)(6) or 31(a) to testify on behalf of a party fails to obey an order to provide or permit discovery, including an order made under Subdivision (a) of this rule or Rule 35, or if a party fails to obey an order entered under Rule 26(f), the court in which the action is pending may make such orders in regard to the failure as are just, and among others the following:

(A) an order that the matters regarding which the order was made or any other designated facts shall be taken to be established for the purposes of the action in accordance with the claim of the party obtaining the order;

(B) an order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting him from introducing designated matters in evidence;

(C) an order striking out pleadings or parts thereof, staying further proceedings until the order is obeyed, dismissing the action or proceeding or any part thereof, or rendering a judgment by default against the disobedient party;

(D) in lieu of any of the foregoing orders or in addition thereto, an order treating as a contempt of court the failure to obey any orders except an order to submit to a physical or mental examination;

(E) where a party has failed to comply with an order under Rule 35(a) requiring him to produce another for examination, such orders as are listed in Paragraphs (A), (B), and (C) of this subdivision, unless the party failing to comply shows that he is unable to produce such person for examination.

In lieu of any of the foregoing orders or in addition thereto, the court shall require the party failing to obey the order or the attorney advising him or both to pay the reasonable expenses, including attorney fees, caused by the failure, unless the court finds that the failure was substantially justified or that other circumstances make an award of expenses unjust.

(c) **Expenses on failure to admit.** If a party fails to admit the genuineness of any document or the truth of any matter as requested under Rule 36, and if the party requesting the admissions thereafter proves the genuineness of the document or the truth of the matter, he may apply to the court for an order requiring the other party to pay him the reasonable expenses incurred in making that proof, including reasonable attorney's fees. The court shall make the order unless it finds that (1) the request was held objectionable pursuant to Rule 36(a), or (2) the admission sought was of no substantial importance, or (3) the party failing to admit had reasonable ground to believe that he might prevail on the matter, or (4) there was other good reason for the failure to admit.

(d) **Failure of party to attend at own deposition or serve answers to interrogatories or respond to request for inspection.** If a party or an officer, director, or managing agent of a party or a person designated under Rule 30(b)(6) or 31(a) to testify on behalf of a party fails (1) to appear before the officer who is to take his deposition, after being served with a proper notice, or (2) to serve answers or objections to interrogatories submitted under Rule 33, after proper service of the interrogatories, or (3) to serve a written response to a request for inspection submitted under Rule 34, after proper service of the request, the court in which the action is pending on motion may make such orders in regard to the failure as are just, and among others it may take any action authorized under Paragraphs (A), (B), and (C) of Subdivision (b)(2) of this rule. In lieu of any order or in addition thereto, the court shall require the party failing to act or the attorney advising him or both to pay the reasonable expenses, including attorney's fees, caused by the failure, unless the court finds that the failure was substantially justified or that other circumstances make an award of expenses unjust.

The failure to act described in this subdivision may not be excused on the ground that the discovery sought is objectionable unless the party failing to act has applied for a protective order as provided by Rule 26(c).

(e) **Failure to participate in the framing of a discovery plan.** If a party or his attorney fails to participate in good faith in the framing of a discovery plan by agreement as is required by Rule 26(f), the court may, after opportunity for hearing, require such party or his attorney to pay to any other party the reasonable expenses, including attorney fees, caused by the failure.  
(Amended effective Jan. 1, 1987.)

**Compiler's Notes.** — This rule corresponds to Rule 37, F.R.C.P.

**Cross-References.** — Contempt generally, § 78-32-1 et seq.



granted. Otherwise, compensation may not be allowed.

P. "Attending Physician's Statement — Form 043" — This form must be completed by employee and his last attending physician in the state to establish the medical condition of the employee. It must be accompanied by Form 044.

Q. "Compensation Agreement — Form 019" — This form is used by the parties to a workers' compensation claim to enter into an agreement as to a permanent partial impairment award, and must be submitted to the Commission for approval.

R. "Application for Lump Sum or Advance Payment — Form 134" — This form is used by an employee to apply for a lump sum or advance payment for a permanent partial impairment award.

S. "Release to Return to Work — Form 110" — This form may be used to meet the requirements of Rule R490-2-3E, as contained herein.

T. "Insurance Carrier or Self-Insured Employer Annual Statement of Losses — Form 117" — Parts (a) and (b) are to be submitted together by January 31st for the preceding calendar year. Part (a), an individual loss claim log, states the losses by individual claim and part (b) states the aggregate losses by the insurance carrier or self-insured employer for the preceding calendar year.

Carriers or self-insured employers wishing to submit a computer tape in lieu of the form must obtain prior written authorization from the Industrial Commission, Industrial Accidents Division.

U. "Disability Status Report — Form 206" — This report is required, as per Section 35-10-6, U.C.A., when an injured worker's temporary total compensation exceeds 90 days, or when it appears that the injured worker will be disabled, whichever comes first. The insurance carrier or the self-insured employer shall file this report with the Commission within 30 days thereafter.

V. "Request for Copies From Claimant's File — Form 205" — This form is used to request copies from a claimant's file in the Industrial Commission with the appropriate authorized release.

W. "Medical Records — Copies — Form 302" — This form is used by a claimant to request a free copy of his/her medical records from a medical provider. This form must be signed by a staff member of the Industrial Accidents Division.

X. The Director of the Industrial Accidents Division of the Commission may approve change of any of the above forms upon notice to all concerned parties. Carriers may print these forms or approved versions.

#### **R490-1-4. Pleadings and Discovery.**

A. For the purposes of Section 63-46b-3, U.C.A., all adjudicative proceedings for workers' compensation and occupational disease claims shall only be commenced by the injured worker or dependent filing a request for agency action with the Commission. The Administrative Law Judge is afforded discretion in allowing intervention of other parties pursuant to Section 63-46b-9, U.C.A. The Application for Hearing is the request for agency action. All such applications shall include supporting medical documentation of the claim where there is a dispute over medical issues. Applications without supporting documentation will not be mailed to the employer or insurance carrier for answer until the appropriate documents have been provided.

B. Whenever a claim for compensation benefits is denied by an employer or insurance carrier, the burden rests on the applicant to initiate the action by

filing an Application for Hearing with the Commission.

C. When an Application for Hearing is filed with the Commission, the Commission shall forthwith mail a copy to the employer or to the employer's insurance carrier.

D. The employer or insurance carrier shall have 30 days following the date of the mailing of the application to file a written answer with the Industrial Commission, admitting or denying liability for the claim. The answer should state all affirmative defenses with sufficient accuracy and detail that an applicant may be fully informed of the nature of the defense asserted. All answers shall include a summary and categorization of benefits paid to date on the claim. A copy shall be sent to the applicant or, if there is one, to the applicant's attorney by the defendant.

E. When an employer or insurance carrier fails to file an answer within the 30 days provided above, the Commission may enter a default against such employer or insurance carrier. The Commission may then set the matter for hearing, take evidence bearing on the claim, and enter an Order based on the evidence presented. Such defaults may be set aside by following the procedure outlined in the Utah Rules of Civil Procedure. Said default shall apply to the defendant employer or insurance carrier and shall not be construed to deprive the Employers' Reinsurance Fund or the Uninsured Employers Fund of any appropriate defenses.

F. Where the answer denies liability solely on the medical aspects of the case, the applicant, through his/her attorney or agent, and the employer or insurance carrier, with the approval of the Commission or its representative, may enter into a stipulated set of facts, which stipulation, together with the medical documents bearing on the case in the Commission's file, may be used in making the final determination of liability.

G. When deemed appropriate, the Commission or its representatives may have a pre-hearing or post-hearing conference.

H. Upon filing of the Answer, the defendant may commence discovery with appropriate sets of interrogatories. Such discovery should focus on the accident event, witnesses, as well as past and present medical care. The defendant shall also be entitled to appropriately signed medical releases to allow gathering of pertinent medical records. The defendant may also require the applicant to submit to an independent medical examination to be conducted by a physician of the defendant's choice. Failure of an applicant to comply with such requests may result in the dismissal of a claim or a delay in the scheduling of a hearing.

I. Commission subpoena forms shall be used in all discovery proceedings and must be signed, unless good cause is shown for a shorter period, at least one week prior to any scheduled hearing.

J. All medical records shall be filed by the employer or its insurance carrier as a single joint exhibit at least one week before the scheduled hearing. Claimant must cooperate and submit all pertinent medical records contained in his file to the employer or its insurance carrier for the joint exhibit submission two weeks in advance of a scheduled hearing. Exhibits are to be placed in an indexed binder arranged by care provider in chronological order. Exhibits should include all relevant treatment records with the exception of hospital nurses notes.

K. The Administrative Law Judge must be notified one week in advance of any proceeding where it is

Workmen's Compensation Act. *Ellis v. Industrial Comm'n*, 91 Utah 432, 64 P.2d 363 (1937).

Attorneys' fees in compensation cases should be measured according to the workingman's position. *Ellis v. Industrial Comm'n*, 91 Utah 432, 64 P.2d 363 (1937).

#### view by Supreme Court.

Industrial Commission not only has power to review attorneys' fees in cases before it, but it also has power to fix fees for services rendered on review in Supreme Court, Supreme Court only having power to review matter of attorney's

fees in same manner and with same limitations as it may review any other decision of the commission. *Ellis v. Industrial Comm'n*, 91 Utah 432, 64 P.2d 363 (1937); *Thatcher v. Industrial Comm'n*, 115 Utah 568, 207 P.2d (1949).

#### Suspension of attorney from practice.

Attorney's indirect collection of fees from clients in excess of those awarded by Industrial Commission constituted unprofessional conduct resulting in one year's suspension from practice. *In re Hatch*, 108 Utah 446, 160 P.2d 961 (1945).

### COLLATERAL REFERENCES

*Utah Law Review*. — Attorney's Fees in Utah, 1984 *Utah L. Rev.* 553.

C.J.S. — 101 C.J.S. Workmen's Compensation § 817.

A.L.R. — Handling, preparing, presenting,

or trying workmen's compensation claims or cases as practice of law, 2 A.L.R.2d 724.

Key Numbers. — Workers' Compensation ⇐ 1981.

## 5-1-88. Rules of evidence and procedure before commission and hearing examiner — Admissible evidence.

Neither the commission nor its hearing examiner shall be bound by the usual common-law or statutory rules of evidence, or by any technical or formal rules of procedure, other than as herein provided or as adopted by the commission pursuant to this act. The commission may make its investigation in such manner as in its judgment is best calculated to ascertain the substantial rights of the parties and to carry out justly the spirit of the Workmen's Compensation Act.

The commission may receive as evidence and use as proof of any fact in dispute all evidence deemed material and relevant including, but not limited to the following:

- (a) Depositions and sworn testimony presented in open hearings.
- (b) Reports of attending or examining physicians, or of pathologists.
- (c) Reports of investigators appointed by the commission.
- (d) Reports of employers, including copies of time sheets, book accounts or other records.
- (e) Hospital records in the case of an injured or diseased employee.

History: L. 1917, ch. 100, § 88; C.L. 1917, 3148; R.S. 1933 & C. 1943, 42-1-82; L. 1965, ch. 67, § 1.

Meaning of "this act". — See same catchline in notes following § 35-1-46.

Cross-References. — Rules for procedure of commission, § 35-1-10.