

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

JOHN W. JORDAN,

Claimant,

v.

HECLA MINING COMPANY,

Employer,

and

ZURICH AMERICAN INSURANCE COMPANY,

Surety,

Defendants.

IC 2012-027819

ORDER

Filed September 4, 2020

Pursuant to Idaho Code § 72-717, Referee Brian Harper submitted the record in the above entitled matter, together with his recommended findings of fact and conclusion of law, to the members of the Idaho Industrial Commission for their review. Each of the undersigned Commissioners has reviewed the record and the recommendation of the Referee. The Commission concurs with this recommendation.

Therefore, the Commission approves, confirms, and adopts the Referee's proposed findings of fact and conclusion of law as its own.

Based upon the foregoing, IT IS HEREBY ORDERED that:

1. Claimant has failed to prove by a preponderance of the evidence that he is entitled to TTD benefits during the time frame of October 26, 2012, through November 8, 2012.

2. Claimant has proven by a preponderance of the evidence his entitlement to TTD benefits from November 8, 2012, to February 23, 2014.

3. Claimant has failed to prove by a preponderance of the evidence that he is entitled to TTD benefits during the time period from December 28, 2015, through January 30, 2018.

4. Claimant has proven by a preponderance of the evidence that he is totally and permanently disabled under the 100% method.

5. The issue of apportionment under Idaho Code § 72-406 is moot due to Claimant's total permanent disability.

6. Claimant has failed to prove his entitlement to an award of attorney fees under Idaho Code § 72-804 by a preponderance of the evidence.

DATED this the 4th day of September, 2020.

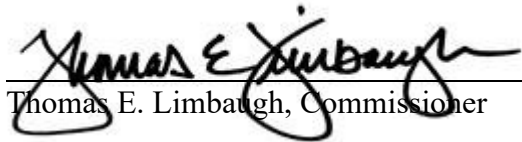
INDUSTRIAL COMMISSION



Thomas P. Baskin, Chairman



Aaron White, Commissioner



Thomas E. Limbaugh, Commissioner

ATTEST:

Kameron Slay
Commission Secretary



CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of September, 2020, a true and correct copy of the foregoing **ORDER** was served regular United States Mail and email transmission upon each of the following:

STARR KELSO
PO BOX 2456
HAYDEN, ID 83835
kelsolawoffice@gmail.com

MINDY MULLER
PO BOX 1617
BOISE, ID 83701
mmuller@hawleytroxell.com

A handwritten signature in black ink, appearing to read "Mindy Muller", is written over a horizontal line. The signature is fluid and cursive.

jsk