

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

CAMERON DEMOTT TYLER,

Claimant,

v.

MASTERPIECE FLOORS, INC.,

Employer,

and

NORGUARD INSURANCE COMPANY,

Surety,
Defendants.

IC 2019-028028

**ORDER DENYING PETITION FOR
DECLARATORY RULING**

FILED

DEC 02 2022

INDUSTRIAL COMMISSION

On November 1, 2022, the parties in the above matter filed a Stipulation for Declaratory Action under JRP 15. A telephonic conference was held on November 10, 2022. Under JRP 15, the Commission may entertain a petition for Declaratory Relief to resolve a controversy over the construction, validity, or applicability of a statute. Here, the issue before the Commission is whether the facts of the case support a finding that Claimant's injuries were proximately caused by the willful or unprovoked physical aggression of Employer, its officers, agents, servants, or employees. The construction, applicability, or validity of I.C. § 72-209(3) is not at issue. The only issue is whether the facts of the case support the exception to the exclusive remedy of Workers' Compensation contemplated by I.C. § 72-209(3). Therefore, pursuant to JRP 15(4)(f), the Commission denies the Petition.

As discussed at the telephonic conference, the parties are invited to request calendaring on the bifurcated issue of whether the provisions of I.C. § 72-209(3) are satisfied by the facts of this

case. As well, the parties are free to request consideration of this issue by the full Commission should they so desire. The parties' November 1, 2022, JRP 15 Petition is hereby **DENIED**.

DATED this 2nd day of December, 2022.



INDUSTRIAL COMMISSION

Aaron White, Chairman

Thomas E. Limbaugh, Commissioner

Thomas P. Baskin, Commissioner

ATTEST:

Commission Secretary

CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of December, 2022, a true and correct copy of the foregoing **ORDER DENYING PETITION FOR DECLARATORY RULING** was served by Electronic Mail upon each of the following:

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