
**APPEALS BOARD
UTAH LABOR COMMISSION**

NANCY WOOD,

Petitioner,

vs.

**EASTERN UTAH BROADCASTING and
WORKERS COMPENSATION FUND,**

Respondents.

**ORDER DENYING
RECONSIDERATION**

Case No. 01-0208

Nancy Wood asks the Appeals Board of the Utah Labor Commission to reconsider its prior decision denying Mrs. Wood's claim for benefits under the Utah Occupational Disease Act, Title 34A, Chapter 3, Utah Code Annotated.

The Appeals Board exercises jurisdiction over this matter pursuant to § 63G-4-302 of the Utah Administrative Procedures Act.

BACKGROUND AND ISSUE PRESENTED

This matter arises from Mrs. Wood claim for occupational disease benefits for anxiety disorder allegedly caused by mental stress from her employment by Eastern Utah Broadcasting.¹ The Appeals Board previously determined that Ms. Wood's work-related stress does not predominate over her non-work stresses. For that reason, the Appeals Board concluded that Mrs. Wood's employment at Eastern Utah Broadcasting is the not the legal cause of her anxiety disorder and that she is not entitled to occupational disease benefits.

Mrs. Wood now asks the Appeals Board to reconsider its decision. Specifically, Mrs. Wood argues that the evidence establishes that her work-related stress did, in fact, predominate over her non-work stresses.

DISCUSSION

Having reviewed the argument raised in Mrs. Wood's request for reconsideration in light of the evidence of record, the Appeals Board remains convinced that Mrs. Wood's work-related stress did not predominate over her non-work stresses. The Appeals Board's previous decision discusses in some detail the factual basis for the Board's determination—particularly the opinion of the impartial medical panel. The Appeals Board therefore reaffirms its previous decision in this matter.

¹ The legal and procedural history relating to Mrs. Wood's claim has been set forth in the previous decisions of the Appeals Board and the Utah Court of Appeals and will not be repeated here.

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ORDER

The Appeals Board denies Mrs. Wood's request for reconsideration. It is so ordered.

Dated this 28th day of April, 2009.

Colleen Colton, Chair

Patricia S. Drawe

DISSENT

For the reasons stated in my dissent to the Appeals Board's majority decision of January 21, 2009, I would grant Mrs. Wood's request for reconsideration and remand her claim to the administrative law judge for further evidentiary proceedings on the question of whether Mrs. Wood's work-related stress predominates over her personal non-work stresses.

Joseph E. Hatch

NOTICE OF APPEAL RIGHTS

Any party may appeal this Order to the Utah Court of Appeals by filing a Petition For Review with that Court within 30 days of the date of this Order.

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CERTIFICATE OF MAILING

I certify that a copy of the foregoing Order Denying Reconsideration in the matter of Nancy Wood, Case No. 01-0208, was mailed, first class, postage prepaid this ____ day of April, 2009, to the following:

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Sara Danielson
Utah Labor Commission