
**APPEALS BOARD
UTAH LABOR COMMISSION**

JAMES DANIEL BILLS,

Petitioner,

vs.

**TRUGREEN/CHEM LAWN and
ZURICH AMERICAN INSURANCE CO.,**

Respondents.

**ORDER DENYING
RECONSIDERATION**

Case No. 07-0340

James Daniel Bills asks the Appeals Board of the Utah Labor Commission to reconsider its prior decision regarding Mr. Bills' claim for benefits under the Utah Workers' Compensation Act, Title 34A, Chapter 2, Utah Code Annotated.

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

BACKGROUND AND ISSUES PRESENTED

Mr. Bills claims workers' compensation benefits from TruGreen/Chemlawn and its insurance carrier, Zurich American Insurance Co., (referred to jointly as "TruGreen" hereafter) for a right-eye injury allegedly caused by a work accident at TruGreen on May 12, 2005. Judge Marlowe held an evidentiary hearing on Mr. Bills' claim and then referred the medical aspects of the claim to an impartial panel of medical experts. Relying on the panel's report and other evidence of record, Judge Marlowe awarded limited medical benefits and temporary disability compensation to Mr. Bills, but denied his claims to other benefits. Mr. Bills then asked the Appeals Board to review Judge Marlowe's decision. On March 24, 2009, the Appeals Board affirmed the decision.

Mr. Bills now asks the Appeals Board to reconsider its decision of March 24, 2009. Specifically, Mr. Bills asserts that the preponderance of evidence in this matter establishes that, contrary to the Appeals Board's previous findings, Mr. Bills did not reach medical stability from his eye injury by July 11, 2005, and required additional medical care for his eye after that date.

DISCUSSION

In its previous decision, the Appeals Board noted the disagreement between Trugreen's medical consultant and Mr. Bills' physicians regarding the nature and cause of Mr. Bills' continuing right-eye problems. In light of this disagreement, Judge Marlowe referred Mr. Bills' claim to an impartial panel of medical experts composed of specialists in the fields of neurology and

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ophthalmology. The panel reviewed Mr. Bills' medical records and the opinions of the other physicians who had treated or examined Mr. Bills. The panel also personally examined Mr. Bills on two occasions. The panel then concluded that Mr. Bills' work accident had caused a temporary injury to his right eye but no permanent impairment. The panel also concluded that Mr. Bills had reached medical stability by July 11, 2005, and that no additional medical care was necessary to treat the work-related injury to his eye.

The Appeals Board remains persuaded by the panel's opinion and finds no reason to modify its previous decision regarding Mr. Bills' claim for workers' compensation benefits.

ORDER

The Appeals Board denies Mr. Bills' request for reconsideration. It is so ordered.

Dated this 28th day of April, 2009.

Colleen Colton, Chair

Patricia S. Drawe

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 James Daniel Bills, Case No. 07-0340, was mailed, first class, postage prepaid this ____day of April, 2009, to the following:

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