

---

**APPEALS BOARD  
UTAH LABOR COMMISSION**

**MERICIA L. MILLIGAN,**

**Petitioner,**

**vs.**

**UTAH STATE TAX COMMISSION and  
WORKERS COMPENSATION FUND,**

**Respondents.**

**ORDER AFFIRMING  
ALJ'S DECISION**

**Case No. 08-0149**

---

Mericia L. Milligan asks the Appeals Board of the Utah Labor Commission to review Administrative Law Judge Lima's denial of Ms. Milligan's claim for benefits under the Utah Workers' Compensation Act, Title 34A, Chapter 2, Utah Code Annotated.

The Appeals Board exercises jurisdiction over this motion for review pursuant to Utah Code Annotated § 63G-4-301 and § 34A-2-801(3).

**BACKGROUND AND ISSUE PRESENTED**

Ms. Milligan claims workers' compensation benefits for an occupational disease that occurred on September 2, 1998. Specifically Ms. Milligan claims temporary total disability compensation for a three-year period between June 2005 and June 2008, and permanent total disability compensation thereafter. Judge Lima held an evidentiary hearing on Ms. Milligan's claim and found that Ms. Milligan did not satisfy the requirements of § 34A-2-413(1)(b) to establish entitlement to permanent total disability. Judge Lima denied Ms. Milligan's claim for temporary total disability compensation for lack of supporting medical evidence.

Ms. Milligan filed a Motion for Review on December 29, 2008, in which she stated that "a Memorandum of Law in support of this Motion For Review will be filed with [sic] ten (10) days of the date of this motion." However, as of March 12, 2009, Ms. Milligan has filed nothing further.

**DISCUSSION**

Section 34A-2-801 of the Utah Workers' Compensation Act and § 63G-4-301 of the Utah Administrative Procedures Act permit a party dissatisfied with an administrative law judge's decision to obtain review of that decision by either the Labor Commission or the Appeals Board. However, § 63G-4-301(1)(b)(ii) of the Utah Administrative Procedures Act requires that any party requesting such review must "state the grounds for review and the relief requested."

In this case, Ms Milligan has filed a request for review which asked that the review be

**ORDER AFFIRMING ALJ'S DECISION  
MERICIA L. MILLIGAN  
PAGE 2 OF 2**

conducted by the Appeals Board, but Ms. Milligan has not stated her grounds for review, nor has she stated the relief she requests. It would be inappropriate for the Appeals Board to speculate as to Ms. Milligan's grounds for review or to raise issues on her behalf. See *Hilton Hotel et al. v. Industrial Commission et al.*, 897 P.2d 352 (Utah App. 1995). Consequently, in light of Ms. Milligan's failure to state the basis for her request for review of Judge Lima's decision, the Appeals Board denies Ms. Milligan's motion for review.

**ORDER**

The Appeals Board affirms Judge Lima's order. It is so ordered.

Dated this 24<sup>th</sup> day of March, 2009.

\_\_\_\_\_  
Colleen S. Colton, Chair

\_\_\_\_\_  
Patricia S. Drawe

\_\_\_\_\_  
Joseph E. Hatch

**NOTICE OF APPEAL RIGHTS**

Any party may ask the Appeals Board of the Utah Labor Commission to reconsider this Order. Any such request for reconsideration must be received by the Appeals Board within 20 days of the date of this order. Alternatively, any party may appeal this order to the Utah Court of Appeals by filing a petition for review with the court. Any such petition for review must be received by the court within 30 days of the date of this order.