
UTAH LABOR COMMISSION

SUZANNE A. GALLEGOS,

Petitioner,

vs.

**UTAH DEPT. OF ALCOHOLIC
BEVERAGE CONTROL and
WORKERS COMPENSATION FUND,**

Respondents.

**ORDER DENYING REQUEST
FOR RECONSIDERATION**

Case No. 07-0806

Suzanne A. Gallegos requests reconsideration of the Utah Labor Commission's prior decision denying Ms. Gallegos's claim for benefits under the Utah Workers' Compensation Act, Title 34A, Chapter 2, Utah Code Annotated.

The Labor Commission exercises jurisdiction over this matter pursuant to § 63G-4-302 of the Utah Administrative Procedures Act.¹

BACKGROUND AND ISSUES PRESENTED

Ms. Gallegos seeks workers compensation benefits for low-back injuries allegedly caused by a work accident at UDABC on April 29, 2002. At the parties' request, Judge Hann referred the medical aspects of Ms. Gallegos's claim to an impartial panel of medical experts. Based on the panel's report, Judge Hann denied Ms. Gallegos's claim on the grounds her accident at UDABC was not the cause of her low-back problems.

Ms. Gallegos asked the Labor Commission to review Judge Hann's decision. Specifically, Ms. Gallegos challenged the panel's conclusions regarding the duration of her work injury and her need for ongoing medical care. After reviewing the record, the Commission agreed with Judge Hann's determination that Ms. Gallegos's medical problems were not work-related.

Ms. Gallegos now requests reconsideration of the Commission's decision. Specifically, Ms. Gallegos challenges the conduct and opinion of Dr. Chung, UDABC's medical consultant, and of Mr. Freech, UDABC's insurance adjuster. Ms. Gallegos also questions the advice she received from her own attorney and suggests bias on the part of Judge Hann. Finally, Ms. Gallegos argues that the

¹ Although Ms. Gallegos asks that reconsideration of this matter be conducted by the Appeals Board, Ms. Gallegos submitted her original motion for review to the Labor Commission, which issued the decision that is the subject of Ms. Gallegos's request for reconsideration. For that reason, the Labor Commission, rather than the Appeals Board, will address Ms. Gallegos's request for reconsideration.

opinions of her own treating physicians should be accepted over the opinion of the impartial medical panel appointed by Judge Hann.

DISCUSSION

While Ms. Gallegos complains of the actions and opinions of Dr. Chung, Mr. Freech, Judge Hann and others, the most significant and persuasive evidence presented in this matter was the opinion of the impartial medical panel appointed by Judge Hann. The panel was comprised of respected experts in orthopedics and neurology who had no relationship to any of the parties. The panel reviewed all Ms. Gallegos's medical records and the opinions of other medical experts who had treated or evaluated her. The panel also personally examined Ms. Gallegos. Based on all this information, the panel found no medical causal connection between Ms. Gallegos's work and her current back problems.

Although Ms. Gallegos urges the Commission to accept the opinions of her treating physicians over the medical panel's opinion, the Commission finds the panel's opinion to be persuasive. On that basis, the Commission concludes that its previous decision affirming Judge Hann's decision and denying Ms. Gallegos's claim is correct.

ORDER

The Commission reaffirms its previous decision in this matter and denies Ms. Gallegos's request for reconsideration. It is so ordered.

Dated this 28th day of May, 2009.

Sherrie Hayashi
Utah Labor Commissioner

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.