
UTAH LABOR COMMISSION

DANIEL FRANK CARLSON,

Petitioner,

vs.

**MOUNTAIN WEST MILK TRANSPORT
and WORKERS COMPENSATION FUND,**

Respondents.

**ORDER AFFIRMING
ALJ'S DECISION**

Case No. 08-0942

Daniel Frank Carlson asks the Utah Labor Commission to review Administrative Law Judge Luke's denial of Mr. Carlson's claim for benefits under the Utah Workers' Compensation Act, Title 34A, Chapter 2, Utah Code Annotated.

The Labor Commission exercises jurisdiction over this motion for review pursuant to § 63G-4-301 of the Utah Administrative Procedures Act and § 34A-2-801(3) of the Utah Workers Compensation Act.

BACKGROUND AND ISSUE PRESENTED

Mr. Carlson claims workers compensation benefits from Mountain West Milk Transport and its insurance carrier, Workers Compensation Fund, (referred to jointly as "Transport" hereafter) for head and neck injuries allegedly caused by a work-related motor vehicle accident. Mr. Carlson and Transport waived their right to a hearing in this matter and instead stipulated to the material facts of the case. They also agreed that Judge Luke should appoint an impartial panel of medical experts to evaluate the medical aspects of Mr. Carlson's claim.

Judge Luke accepted the parties' stipulation and referred Mr. Carlson's claim to a medical panel. After reviewing Mr. Carlson's medical history and personally examining him, the medical panel concluded that Mr. Carlson's motor vehicle accident did not cause his head and neck injuries. Based on the panel's opinion, Judge Luke denied Mr. Carlson's claim.

Mr. Carlson has now asked the Commission to review Judge Luke's decision on the grounds that additional information, medical records, and other matters should be considered.

DISCUSSION AND CONCLUSION OF LAW

Section 34A-1-801 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

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requesting such review must “state the grounds for review and the relief requested.”

In this case, Mr. Carlson asserts that additional information about his claim for benefits should be considered, but he neither submitted nor described the information. Furthermore, Mr. Carlson has not explained why this information was not submitted during the evidentiary proceedings before Judge Luke. Under these circumstances, the Commission finds no reasonable basis to reopen the evidentiary record. Based on the evidence that has been submitted, the Commission concurs with Judge Luke’s dismissal of Mr. Carlson’s claim on the grounds that his work accident is not the medical cause of his head and neck injuries.

ORDER

The Commission affirms Judge Luke’s dismissal with prejudice of Mr. Carlson’s claim for benefits. It is so ordered.

Dated this 24th day of August, 2009.

Sherrie Hayashi
Utah Labor Commissioner

NOTICE OF APPEAL RIGHTS

Any party may ask the Labor Commission to reconsider this Order. Any such request for reconsideration must be received by the Labor Commission 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.