
UTAH LABOR COMMISSION

DANIEL FRANK CARLSON,

Petitioner,

vs.

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

Respondents.

**ORDER DENYING REQUEST
FOR RECONSIDERATION**

Case No. 08-0942

Daniel Frank Carlson asks the Utah Labor Commission to reconsider its prior decision denying 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 matter pursuant to § 63G-4-302 of the Utah Administrative Procedures Act.

BACKGROUND AND ISSUES PRESENTED

Mr. Carlson claims workers compensation benefits from Mountain West Milk Transport and its insurance carrier, Workers Compensation Fund, for injuries allegedly caused by a work-related motor vehicle accident. The parties waived their right to a hearing, stipulated to the facts, and agreed that Judge Luke should refer Mr. Carlson's claim to a medical panel. The panel concluded that Mr. Carlson's work accident did not cause his injuries. Based on that opinion, Judge Luke denied Mr. Carlson's claim. Mr. Carlson then asked the Commission to review Judge Luke's decision.

The Commission's decision noted that, although Mr. Carlson argued the Commission should consider additional information, Mr. Carlson had not submitted or described such additional information, nor had he explained why the information had not been submitted to Judge Luke. Based on the evidence that had been submitted into the record, the Commission affirmed Judge Luke's denial of Mr. Carlson's claim for benefits. Mr. Carlson now asks the Commission to reconsider its decision. Mr. Carlson recounts his complaints with his former attorney, comments on medical evidence that is already in the evidentiary record, and attempts to submit other new evidence. Finally, Mr. Carlson suggests that improper communication has occurred between other participants in this matter.

DISCUSSION

The fundamental issue in Mr. Carlson's claim for benefits is whether his work accident caused his injuries. The Commission's impartial panel of medical experts concluded the accident

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did not cause his injuries. The Commission notes Mr. Carlson's dissatisfaction with his attorney and on other matters, but Mr. Carlson's complaints do not rebut the medical panel's conclusion that the accident is not the medical cause of his injuries. Because the Commission finds the panel's report to be persuasive on this fundamental issue, the Commission reaffirms its previous decision upholding Judge Luke's denial of Mr. Carlson's claim.

ORDER

The Commission denies Mr. Carlson's request for reconsideration and reaffirms its previous decision. It is so ordered.

Dated this 28th day of October, 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.