
UTAH LABOR COMMISSION

JORDAN M. WILKINS,

Petitioner,

vs.

**ARCTIC CIRCLE and WORKERS
COMPENSATION FUND,**

Respondents.

**ORDER DENYING REQUEST
FOR RECONSIDERATION**

Case No. 09-0279

Jordan M. Wilkins asks the Utah Labor Commission to reconsider its prior decision affirming Administrative Law Judge Trayner's dismissal of Mr. Wilkins'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

The Commission's previous decision sets forth the background of this matter in some detail. In summary, Mr. Wilkins filed a claim for workers' compensation against Arctic Circle and its insurance carrier, Workers' Compensation Fund (referred to jointly as "Arctic Circle.") Although Mr. Wilkins was entitled to an evidentiary hearing on his claim, he waived that right and instead agreed to a settlement of the claim. Mr. Wilkins and Arctic Circle submitted the settlement to Judge Trayner for her review. She approved it on October 27, 2008.

On April 14, 2009, Mr. Wilkins attempted to reopen his claim against Arctic Circle by filing a new application for hearing. Judge Trayner dismissed the application on the grounds Mr. Wilkins' claim had been fully resolved by the parties in their previous settlement agreement. Mr. Wilkins then asked the Commission to reverse Judge Trayner's decision and set aside his settlement agreement with Arctic Circle. Because the Commission found no sufficient basis to disregard the parties' settlement agreement, the Commission denied Mr. Wilkins' request.

Mr. Wilkins now asks the Commission to reconsider its decision. In support of this request, Mr. Wilkins argues that his settlement with Arctic Circle did not provide adequate compensation for his work injuries. He also asserts that the settlement agreement did not accurately reflect all aspects of his agreement with Arctic Circle. Finally, Mr. Wilkins questions whether this matter is before the proper adjudicative body.

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DISCUSSION

Regarding Mr. Wilkins' concern about the proper forum to resolve his workers' compensation claim, § 34A-2-801 of the Utah Workers' Compensation Act requires that such claims be filed with the Labor Commission's Adjudication Division. After the Adjudication Division has issued a decision on claim, a dissatisfied party can request review by the Utah Labor Commission. This process has been followed in Mr. Wilkins' case and his claim is now properly before the Labor Commission.

Turning to Mr. Wilkins' arguments for setting aside his settlement agreement with Arctic Circle, the Commission understands that Mr. Wilkins believes that he should receive additional compensation and medical treatment for his alleged work injury. However, by accepting Arctic Circle's offer of settlement, Mr. Wilkins waived his right to claim any additional workers' compensation benefits. And although Mr. Wilkins asserts that the terms of the settlement agreement were not correct, he signed the agreement and consented to its submission to Judge Trayner. Under these circumstances, the Commission finds no basis to grant Mr. Wilkins' request to set aside his settlement agreement with Arctic Circle.

ORDER

The Commission denies Mr. Wilkins' request for reconsideration. It is so ordered.

Dated this 30th day of September, 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.