04-0427 K.M. v. Utah theatrical Payroll et al Issued: 5/17/05

The respondents, referred to jointly as "IATSE", ask the Utah Labor Commission to review Administrative Law Judge Lima's rulings on discovery disputes in connection with K. M.'s claim for benefits under the Utah Workers' Compensation Act ("the Act"; Title 34A, Chapter 2, Utah Code Ann.).

The Labor Commission exercises jurisdiction over this motion for review pursuant to Utah Code Ann. §63-46b-12 and Utah Code Ann. §34A-2-801(3).

DISCUSSION

In considering IATSE's motion for interlocutory review, the Commission notes that such interlocutory reviews diminish the ALJ's ability to organize and manage evidentiary hearings, disrupt the adjudicatory process, and delay the resolution of claims. Consequently, the Commission will entertain interlocutory motions for review only if the potential advantage from deciding the issues presented will clearly outweigh "the interruption of the hearing process and the other costs of piecemeal review."[1]

In this case, IATSE alleges that Judge Lima's discovery orders are in error. However, issues arising from discovery disputes must be decided on an individual basis, depending on the facts, theories and dynamics of each case. In almost every case, the ALJ is in the best position to resolve discovery disputes that arise in the course of the adjudicative process. The Commisson finds no reason to depart from this view in the present case. The Commission therefore declines to accept IATSE's interlocutory motion for review.

ORDER

IATSE's interlocutory motion for review is dismissed. This matter is remanded to Judge Lima to complete the adjudication of Mr. M.'s claim. It is so ordered.

Dated this 17th day of May, 2005.

R. Lee Ellertson, Commissioner

1. Charles H. Koch, Jr., Administrative Law and Practice (1985), §6.75