

IN THE UTAH COURT OF APPEALS

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Martha D. Casper, widow of C.	)	MEMORANDUM DECISION
Lynn Barraclough, deceased,	)	(Not For Official Publication)
	)	
Petitioner,	)	Case No. 20070324-CA
	)	
v.	)	F I L E D
	)	(March 27, 2008)
Labor Commission; Andrus	)	
Trucking Services, Inc.; and	)	2008 UT App 103
National Union Fire Insurance,	)	
	)	
Respondents.	)	

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Original Proceeding in this Court

Attorneys: Virginius Dabney, St. George, for Petitioner  
Carrie T. Taylor, Michael K. Woolley, and Alan L.  
Hennebold, Salt Lake City, for Respondents

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Before Judges Bench, Billings, and McHugh.

BILLINGS, Judge:

Petitioner Martha D. Casper appeals the Utah Labor Commission's (the Commission) denial of workers' compensation death benefits as a result of her former husband C. Lynn Barraclough's death. We affirm.

First, Petitioner asserts that the Commission erred when it refused to deem as admitted the Requests for Admissions she served against Respondents Andrus Trucking Services, Inc. and National Union Fire Insurance. Petitioner served the Requests for Admissions to Respondents on December 12, 1997, and Respondents filed their response to the Requests for Admissions on March 9, 1998. According to rule 36 of the Utah Rules of Civil Procedure, Respondents' responses were late. See Utah R. Civ. P. 36(a)(2). In an ordinary judicial proceeding, the Requests for Admissions would have been deemed admitted under rule 36. See *id.* However, this was not an ordinary judicial proceeding, but was instead an administrative law proceeding. In administrative law proceedings, the normal discovery rules are relaxed and limited pursuant to Utah Code section 34A-2-802. See Utah Code Ann. § 34A-2-802 (2005). Section 34A-2-802 states that

[t]he [C]ommission . . . is not bound by the usual common law or statutory rules of evidence, or by any technical or formal rules or procedure . . . . The [C]ommission may make its investigation in such manner as in its judgment is best calculated to ascertain the substantial rights of the parties and to carry out justly the spirit of the chapter.

Id. (emphasis added). Accordingly, discovery in workers' compensation proceedings before the Commission is not bound by the strict rules of the Utah Rules of Civil Procedure. Therefore, the Commission did not err when it refused to deem as admitted Petitioner's Requests for Admissions.<sup>1</sup>

Second, Petitioner argues that the Commission erred in ruling that she could not sustain her claim because she failed to establish causation--that Mr. Barraclough's work was the medical cause of his heart attack and ultimate death. Essentially, Petitioner challenges the relative weight the Commission gave to the competing medical expert opinions regarding medical causation.

For an injury to be compensable under the Workers' Compensation Act, the injury must arise out of, and in the course and scope of, employment. See id. § 34A-2-401(1). Both Petitioner and Respondents provided various medical expert opinions regarding the cause of Mr. Barraclough's heart attack and death. Because of these conflicting expert opinions, the Commission appointed an independent medical panel. The independent medical panel found that Mr. Barraclough's heart attack and death were not causally related to his employment. The medical opinions of both Petitioner's and Respondents' experts, as well as the medical opinions of the independent medical panel, were thoroughly weighed by the Administrative Law Judge (the ALJ). The ALJ found that Mr. Barraclough's employment was not the cause of his heart attack and death. The Commission later reviewed and upheld this finding.

Utah law directs that the Commission is the ultimate fact finder for workers' compensation proceedings. See, e.g., Speirs v. Southern Utah Univ., 2002 UT App 389, ¶ 10, 60 P.3d 42. When two or more "conflicting inferences" or opinions are presented to the Commission on causation and the Commission enters a finding

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1. Furthermore, we note that even if the Requests for Admissions had been deemed admitted, there is nothing in those Admissions that would have established medical causation between Mr. Barraclough's death and his employment.

on causation, this court will not "substitute [its] opinion as to the preponderance of the evidence for that of the [C]ommission." Tintic Standard Mining Co. v. Industrial Comm'n, 100 Utah 96, 110 P.2d 367, 368-69 (1941); see also Wherritt v. Industrial Comm'n, 100 Utah 68, 110 P.2d 374, 376 (1941) (explaining that "[t]he burden of proof is upon [the] applicant to establish her claim for compensation" and that "it is not [an appellate court's] duty to say what inference or conclusion [it] would have drawn from the facts presented to the Commission"). Therefore, we will not reweigh the medical experts' testimonies. In this case, the Commission made causation findings, and we defer to those findings.

Accordingly, we affirm.

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Judith M. Billings, Judge

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WE CONCUR:

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Russell W. Bench, Judge

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Carolyn B. McHugh, Judge