

IN THE UTAH COURT OF APPEALS

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James Hall,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Petitioner,)	
)	Case No. 20060493-CA
v.)	
)	F I L E D
Labor Commission, Consolidated)	(February 15, 2007)
Freightways and/or Fidelity &)	
Guaranty Insurance,)	2007 UT App 46
)	
Respondents.)	

Original Proceeding in this Court

Attorneys: Phillip B. Shell, Murray, for Petitioner
Theodore E. Kanell and Joseph C. Alamilla, Salt Lake
City, for Respondents Consolidated Freightways and/or
Fidelity & Guaranty Insurance

Before Judges Greenwood, Billings, and Davis.

PER CURIAM:

James Hall seeks review of the Labor Commission's decision denying him temporary total disability payments. We affirm.

Hall argues that the Labor Commission erred in determining that his light duty status ended December 18, 2001, and that Consolidated Freightways had no light duty work alternatives that would have allowed him to work. An appellate court reviews the findings of an administrative agency under a clearly erroneous standard. See Drake v. Industrial Comm'n, 939 P.2d 177, 181 (Utah 1997). As a result, "an appellate court will generally reverse only if the findings are not supported by substantial evidence." Id. Here, there is substantial evidence supporting the Labor Commission's factual findings. The medical records specifically indicate that Hall's treating physician released him for full duty on December 18, 2001. Further, in his own summary of his medical record provided to the Labor Commission, Hall admitted that he was released to full duty on December 18, 2001. Thus, despite Hall's reliance on records of another doctor, who did not begin seeing Hall until January, 2002, the Labor

Commission's finding that Hall was released for full work duties is adequately supported in the record.

Further, even if the Labor Commission should have given more weight to the records of Hall's second doctor, who placed Hall on limited work duty in January, 2002, those limitations had no effect on his ability to perform his job. Specifically, the limitations restricted Hall from lifting objects weighing more than twenty pounds and restricted some repetitive movements. However, Hall stipulated that he did not participate in loading or unloading the truck he drove as part of his job. Thus, despite any restrictions Hall claims he had, the record supports the Labor Commission's determination that Hall still could have performed his job, thereby making him ineligible for temporary disability payments.¹

Affirmed.

Pamela T. Greenwood,
Associate Presiding Judge

Judith M. Billings, Judge

James Z. Davis, Judge

¹Because the record supports the Labor Commission's determinations that Hall was cleared for full duty on December 18, 2001, or alternatively that he could have performed his job with the restrictions imposed by his doctor, we need not consider Hall's argument that Consolidated Freightways did not have light work duty available to him.