

IN THE UTAH COURT OF APPEALS

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| Robert L. Morgan, |) | MEMORANDUM DECISION | |
| |) | (Not For Official Publication) | |
| |) | | |
| Petitioner, |) | Case No. 20051016-CA | |
| |) | | |
| v. |) | F I L E D | |
| |) | (January 6, 2006) | |
| |) | | |
| Labor Commission, Smead |) | <table border="1"><tr><td>2006 UT App 1</td></tr></table> | 2006 UT App 1 |
| 2006 UT App 1 | | | |
| Manufacturing Company, and/or |) | | |
| Indemnity Company of North |) | | |
| America, |) | | |
| |) | | |
| Respondents. |) | | |

Original Proceeding in this Court

Attorneys: Robert L. Morgan, Parowan, Petitioner Pro Se
Mark D. Dean and Kristy L. Bertelsen, Salt Lake City,
for Respondents

Before Judges Davis, McHugh, and Orme.

PER CURIAM:

Robert L. Morgan petitions for review of the Labor Commission's (Commission) order denying him workers' compensation benefits. This is before the court on its own motion and the Commission's motion for summary disposition based on the lack of a substantial question for review.

Although Morgan argues his side of the facts, he fails to state any specific issue for review. Even construing his argument as a challenge to the sufficiency of the evidence below, there is no substantial question presented warranting further consideration by the court. Thus, this petition for review is appropriate for summary disposition. See Utah R. App. P. 10(e).

An agency's findings of fact may be reversed "only if the findings are not supported by substantial evidence." Drake v. Industrial Comm'n, 939 P.2d 177, 181 (Utah 1997). Here, there is substantial evidence to support the Commission's findings of fact. Medical records establish that, prior to his fall, Morgan had degenerative disc disease. In addition to the x-rays and

MRIs showing degenerative changes in his spine, the record shows that he received chiropractic treatments occasionally for complaints of back pain. The records also show that Morgan reported feeling 98-100% normal after physical therapy as of March 2000, about one month after the fall. In addition, Morgan subsequently reported to a physician that his back had become aggravated again by an incident in June 2000, a separate incident from the fall at work. In sum, there is substantial evidence supporting the Commission's findings and its ultimate conclusion that Morgan's fall was not the medical cause of his back problems.

Affirmed.

James Z. Davis, Judge

Carolyn B. McHugh, Judge

Gregory K. Orme, Judge