

IN THE UTAH COURT OF APPEALS

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Leslie L. Owen,	)	MEMORANDUM DECISION
	)	(Not For Official Publication)
Petitioner,	)	
	)	Case No. 20060747-CA
v.	)	
	)	F I L E D
Labor Commission, Workers'	)	(November 30, 2006)
Compensation Fund, and	)	
Wellington City,	)	2006 UT App 479
	)	
Respondents.	)	

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Original Proceeding in this Court

Attorneys: Leslie L. Owen, Wellington, Petitioner Pro Se  
Lori Hansen, Salt Lake City, for Respondents

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Before Judges Bench, Billings, and Thorne.

PER CURIAM:

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

Under the Workers' Compensation Act, an employee sustaining a work related injury "shall provide notification" of the injury promptly to the employer. Utah Code Ann. § 34A-2-407(2)(a) (Supp. 2006). "An employee is barred for any claim of benefits arising from an injury if the employee fails to notify" the employer within 180 days of the day the injury occurs. Id. § 34A-2-407(3). Similarly, under the Occupational Disease Act, an employee who fails to notify an employer of an occupational disease within 180 days after claim arises is also barred from claiming benefits. See id. § 34A-3-108(2)(a)(Supp. 2006).

The Commission found that Owen had failed to timely notify her employer of work related injury or illness, and thus, her claim for benefits was barred. The Commission determined that although Owen had reported pain, she did not specify that the

pain was related to her work. Additionally, she did not file any formal claim until about one year after she quit her employment.

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 supporting the Commission's factual findings. Owen testified that she told her supervisor that her shoulder hurt but she did not know why. She did not testify at the hearing that she expressly told her supervisor that her ailments were work related. Her supervisor testified that Owen was vague about her ailments and did not state they were work related. There is no support in the record that Owen indicated her ailments were work related. In sum, there is substantial evidence supporting the Commission's findings. As a result, this court will not reverse those findings.

Accordingly, the Commission's order is affirmed.

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Russell W. Bench,  
Presiding Judge

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Judith M. Billings, Judge

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William A. Thorne Jr., Judge