

11-23-2012

# Clark v. Cry Baby Foods, LLC Appellant's Brief Dckt. 40016

Follow this and additional works at: [https://digitalcommons.law.uidaho.edu/  
idaho\\_supreme\\_court\\_record\\_briefs](https://digitalcommons.law.uidaho.edu/idaho_supreme_court_record_briefs)

---

## Recommended Citation

"Clark v. Cry Baby Foods, LLC Appellant's Brief Dckt. 40016" (2012). *Idaho Supreme Court Records & Briefs*. 749.  
[https://digitalcommons.law.uidaho.edu/idaho\\_supreme\\_court\\_record\\_briefs/749](https://digitalcommons.law.uidaho.edu/idaho_supreme_court_record_briefs/749)

This Court Document is brought to you for free and open access by Digital Commons @ UIIdaho Law. It has been accepted for inclusion in Idaho Supreme Court Records & Briefs by an authorized administrator of Digital Commons @ UIIdaho Law.

JAMES W. CLARK  
3515 HARNEY ST.  
VANCOUVER WASHINGTON  
98660  
HOME PHONE  
1-360-258-1619

In The Supreme Court of the State of Idaho

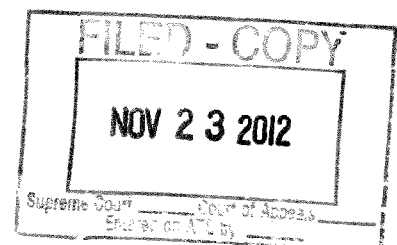
JAMES W. CLARK  
Claimant-Appellant,  
v.  
CRY BABY FOODS, LLC, Employer,  
  
Defendant,

And

IDAHO STATE INSURANCE FUND, Surety,  
  
Defendant-Respondent.

Supreme Court Docket No  
40016-2012  
Industrial Commission No.  
2008-013505

APPELLANTS BRIEF



JAMES W. CLARK  
3515 HARNEY ST.  
VANCOUVER WASHINGTON  
98660  
HOME PHONE  
1-360-258-1619

## In The Supreme Court of the State of Idaho

JAMES W. CLARK  
Claimant-Appellant,  
v.  
CRY BABY FOODS, LLC, Employer,  
Defendant,

Supreme Court Docket No  
40016-2012  
Industrial Commission No.  
2008-013505

APPELLANTS BRIEF

And

IDAHO STATE INSURANCE FUND, Surety,  
Defendant-Respondent.

---

I the appellant JAMES W. CLARK would like to thank this court for the opportunity to file this brief to show the facts on why the final decision of the Idaho state Industrial commission's findings of facts and conclusion of law should be over turned.

On April 17 2008 the injured work/ appellant look death in the face for ten minutes while fighting for his life while two steal roller with a steel band on each roller, with only if I am lucky a quarter inch Wyeth between each roller was rolling inward that had rip through two layers of shirts and had started ripping into my flesh, as another employee tried to figure out how to shut the machine off. The

230lb. injured worker/appellant at the time knew that if appellant had not fought for his life & played tug of war and had even gave in for a split second and having the fear that the bands on the rollers were going to bit into my arm bone the injured /worker would be dead for it would have taken my head witch was if I'm lucky was only about three to four inches away from the rollers and my head would have been next and without any give between the rollers my head was next and I would have not been able to enjoy my grandson and daughter,& SON that just come back into appellants life April 4 2008 after 15 years witch the injured worker truly believe is what gave the injured/appellant the strength to survive .The appellant was made to believe that the hearing for November 18 2010 was to see if the appellant still needed continued medical treatment for appellants Post traumatic stress disorder related to appellant injury and near Death on April 17 2008 The appellant would like to point out that the Idaho state insurance fund hired Eric F. Holt, Ph.D. for a physiological evaluation witch appellant attended October 10 2008. Also The Idaho state insurance fund hired Richard W. Wilson, M.D. & Craig W Beaver, Ph.D. And Doug Crum, C.D.M.S for an IME Panel evaluation on our around April 2 2010 The appellant had issues with his attorney Lynn luker/attorney/legislator that he was not calling anyone and the appellant means no one to dispute anything that the appellant was arguing with the industrial commission prior to his hire nor did Mr. luker bring any of it up at appellants hearing of November 18 2010 and then at appellants hearing allow for the Idaho state insurance fund to file over 200 more pages of document after the start of the hearing and appellant was not allowed to review it before the hearing without objection that the appellant did not get to review our see what was in the extra folder that was presented after the hearing had started appellant look OVER at his attorney Lynn luker and he just shook his head in a no motion and continued to talk. Before hiring Mr. luker I spoke in deify about of the fraud, the males, the slander that has been commented on the injured worker for almost two year while appellant had to go through witch if this court is to read in the agencies record clearly the appellant is just not bringing this up because I am angry because I lost because it's true The appellant/injured worker has brought this brief before this court with all its information to be 100% facts of the findings of altered documents, the appellant knows that these document where sent to

appellant via mail by MS Marie (Wilson) Arnold on witch was the clerk of the agency's record, and the date on a couple other filings has appellant concern witch claimant will show at oral argument along with statements in letters returned as none filed by the industrial commission two different times witch appellant will show at oral argument. The appellant/injured worker has brought before this court on this 21 day of October 2012 with all its information to be 100% facts of findings of Mr. Douglas Donahue referee assigned to appellants case statement in the commission FINDING OF FACT AND CONCLUSION OF LAW that or false/and not true and should be removed from public view that is posted on the Idaho state industrials commissions web page in appellants finding of facts and conclusion of law. The appellant/injured worker has brought this brief before this court with all its information to be 100% facts of findings AND THE TRUTH TO BE 100% TO THE BEST OF MY KNOWLEGE OF ALTERED DOCUMENTS THAT WERE IN THE RECORDS THAT WERE PICK UP BY APPELLANT FROM THE INDUSTRIAL COMMISSION ON R AROUND DEC 23,2010 AFTER BEING NOTIFIDE BY ATTORNY LYNN M LUKER ON R AROUND DEC 23 2010 AFTER MY ATTORNEY LYN M LUKER UP AND QUIT ON THE APPELLANT RIGHT IN THE MIDDEL OF TAKING post DEPOSITIONS FOR THE DEFENDANT ON FALES ALEGATIONS. Just so this court knows that all the depositions were paid for and done by the Idaho state insurance fund. Witch appellant spoke with MS Rachel O'Bar in a tape phone conversation Ms. O'bar stated the state insurance had paid for Doctor Hansen appellants surgeons deposition, for this way it would not put a prudent on appellant. while trying to figure out why Mr. Lynn luker is asking for money and is refusing to show appellant any receipt with regards to the \$4.689.00 that is owed to the claimant that Lynn M luker was paid and stated through a phone conversation of MS Joel Owens on or around may 17 2012. Lynn luker did not quit once but twice on the appellant, the second time was Dec 29 2010 by letter stating we r back where we were with the commission, I said no way. Mr. Luker did not file a brief for granted lien on our around time limited by. And for the altered document that was in the permission of Mr. luker only showed that the appellant is only lucky that I did not fall into to Mr. lurkers trap when returning and then trying to get me to settle and not finish like he said he would.

## PRE-ATTORNEY SHOWING

On May 2 2008 appellant requested a referral from Dr. Gross to transfer my health care to Dr. Hansen which was 172 miles of driving time closer for the appellants appointments due to the medication appellant was on and appellant having to drive himself do to the fact that MS. RAECHEAL O'BAR & MR. HULL FROM THE LAW FIRM OF ANDERSON, JULIAN & HULL LLP IN BOISE IDAHO LAYERS FOR THE DEFENDANTS in tape phone conversation told the appellant that defendants are paying for appellants mileage as accordingly and refused to help with transportation so the injured worker could get there safely. MR.DOUGLUS DONAHOU REFEREE ASSYND TO THE CLAIMANTS CLAIM BY THE IDAHO STATE INDUSTRIAL COMMISSION, & THE COMMISSION FINDS NO RESONE TO DISTURB THE REFEREE'S FINDINGS AND OBSERVATION ON CLAIMANT'S PR ESENTATION OR CREDIBILTY.

I THE INJURED WOKER BEG THE DIFFERENT MR.DOUGLUS DONAHOU REFEREE ASSYND TO THE CLAIMANTS CLAIM BY THE IDAHO STATE INDUSTRIAL COMMIS- SION am trying to tell this court that the appellant left for some other reason than the medical factor and the safety of the appellant. The commission is directing you to a medical document that does not support MR.DOUGLUS DONAHOU REF- EREE ASSYND TO THE CLAIMANTS CLAIM BY THE IDAHO STATE INDUSTRIAL COMMISSION, & THE COMMISSION FINDS NO RESONE TO DISTURB THE REFER- EE'S FINDINGS AND OBSERVATION ON CLAIMANT'S PRESENTATION OR CREDI- BILTY. The commission does not want to direct u to a P.A report of May 9 2008 that will not support their findings nor will it back the statement as a hole.do to the medication and staying alone and almost starting my apartment on fire appel- lant contacted the state fund about my fear of falling asleep again while I had my stove on. And only went to see Dr. gross on May 9 2008 on the statement of the insurance fund that if doctor gross ok's it then we the state insurance fund would pay for it and the state insurance fund stated that tell Dr. Hansen gets the refer ell dr. gross is still your (appellant) primary doctor.

MR.DOUGLUS DONAHOU REFEREE ASSYND TO THE CLAIMANTS CLAIMS BY THE IDAHO STATE INDUSTRIAL COMMISSION wants this court to be leave that the ap-

pellant quit his job after being forced to return on Jun 5 2008, and MR.DOUGLUS DONAHOU REFEREE ASSYND TO THE CLAIMANTS CLAIMS BY THE IDAHO STATE INDUSTRIAL COMMISSION wants this court of appeal to be leave that sandy Baskett who works for the Idaho state industrial commission rehabilitation division assigned to the injured worker had done no wrong along with the Idaho state insurance fund had done no wrong in the handling of claimants claim as stated in MR.DOUGLUS DONAHOU REFEREE ASSYND TO THE CLAIMANTS CLAIMS BY THE IDAHO STATE INDUSTRIAL COMMISSION's FINDING OF FACT AND CONCLUSSION OF LAW.

I nearly lost my lower right arm, and life, on April 17, 2008, in Weiser, Idaho when a co-worker failed to shut off a machine my arm was being sucked into. I fought nearly 10 minutes before they turned off the machine. I the appellat filed a complaint on July 2 2008 to Mr. Douglas Donohue, witch was also excepted by Mr. DONAHOU REFEREE ASSYND TO THE CLAIMANTS CLAIMS BY THE IDAHO STATE INDUSTRIAL COMMISSION against the Idaho state insurance fund witch the appellat was to be leave was not relayed to my entitlement but was a separate filing and the OSHA report filed within a few weeks of the complaint; Carol Garland was assigned to appellat case on April 17 2008, with Sandy Baskett in the industrial commission Rehabilitation Division in April 2008.

I filed a complaint to Donohue, who did nothing.

Though I was not physically able to do my job, of 10 hours a day, 4 to 5 days a week, I was forced to return to work on June 5, 2008. Intense pain and effects of my prescribed medication prevented me returning to work on June 6th. I was denied time off to see my doctor for a work-duty restriction.

Sandy Baskett who was assign to the appellat with the Idaho state industrial commission rehabilitation division and Carol Garland with the Idaho state insurance fund while investigating appellants complaint found that the state insurance fund and industrial commission rehabilitation division has committed Fraud and Extrinsic Fraud by withholding a Job-Site Evaluation from my treating doctor. This was valuable medical information for my boss, Ken Adam and appellat the injured worker. Because of the withheld information, my boss, Ken Adam, unknowingly put my life James W Clark life in jeopardy.

Mr. Donohue did nothing about my complaint against carol Garland and sandy Baskett on they had put the injured worker back to work in the manner they did. My complaint filed July 2 2008 stated ""HOW WAS CAROL GAURLAND AND SANDY Baskett able to get me the appellat/injured worker back to work without seeing a doctor for three weeks before the date of Jun 5 2008 and also 314 dollar

for the time I was off work. The appellant was not notified of what his option was and what the job must allow the injured worker to do rather than being forced to return to work with the matter of what my arm looks like. When the appellant was forced to act on the action of the state fund and Sandy Basket did on May 29 2008 without the appellant's knowledge and to hope that one doctor would not overrule what another doctor says but when Doctor Hansen found out what they had pulled on May 29 2008 clearly knowing the extent of appellant's injury took appellant back off work.. Witch was finally paid for that time that was part of appellant's complaint against the Idaho state insurance fund Idaho state insurance fund . Appellant also filed a second complaint witch stated how was Joel own and the Idaho state insurance fund able to get the appellant/injured worker's private health record without the appellant's permission?

In Mr. DONAHOU REFEREE ASSYND TO THE CLAIMANTS CLAIMS BY THE IDAHO STATE INDUSTRIAL COMMISSION'S FINDING OF FACT AND CONCLUSION OF LAW directs this court to a life flight medical report that does not support Mr. DONAHOU REFEREE ASSYND TO THE CLAIMANTS CLAIMS BY THE IDAHO STATE INDUSTRIAL COMMISSION'S FINDING OF FACT AND CONCLUSION OF LAW Mr. DONAHOU REFEREE ASSYND TO THE CLAIMANTS CLAIMS BY THE IDAHO STATE INDUSTRIAL COMMISSION wants this court to believe that in life flight report appellant was life flighted do to another injury but IF this court is to read the report this statement is nowhere in the report, **it is a lie**. Finding the determination of a factual question vital (contributing) to a decision in a case by the trier of fact (jury or judge sitting without a jury) after a trial of a lawsuit often referred to as findings of fact. A finding of fact is distinguished from a conclusion of law which is determined by the judge as the sole legal expert. Findings of fact and conclusions of law need not be made if waived or not requested by the trial attorneys, leaving just the bare judgment in the case> in appellant's opinion that Mr. DONAHOU REFEREE ASSYND TO THE CLAIMANTS CLAIMS added the statement "also due to a pre existing injury" so the Idaho state insurance fund cannot be held 100% liable for the appellant's near Death.

The State Insurance fund fought appellant with Mr. Donohue as referee, who should have appointed someone else, due to our personal conflicts. He wanted me to sign medical releases for records unrelated to appellant's injury and I refused do to the fact I had been unable to retain counsel yet. I was sanctioned



\$300 for delaying release forms. A letter to the Commission by the law firm of Anderson Julian & hull LLP stated: between April 15 2008 through October 10 2008 "By law we cannot get these medical reports until Mr. Clark signs them. "October 10, 2008, an Insurance doctor evaluating the appellant on behalf of the state insurance fund and this doctor had my (3) old medical providers' files, the ones the Idaho state insurance fund the defendant are saying through their attorneys said they "by law" couldn't get without my approval.

On August 1 2008 Ms. Jowl Owen on behalf of the Idaho state insurance fund committed fraud and then through August 15 2008 and October 10 2008 through intimidation through the Idaho state industrial commission wanted the appellant to cover up there fraud before the appellant finds out. The appellant only acted upon the Idaho state insurance funds fraud by the intentional use of deceit, a trick or some dishonest means to deprive another of his/her legal right. IN these records where records with information that had been seal by this court.

.A party who has lost something due to fraud is entitled to file a lawsuit for damages against the party acting fraudulently, and the damages may include punitive damages as a punishment or public example due to the malicious nature of the fraud. Quite often there are several persons involved in a scheme to commit fraud and each and all may be liable for the total damages. Inherent in fraud is an unjust advantage over another which injures that person. It includes failing to point out a known mistake in a contract or Constructive fraud can be proved by a showing of breach of legal duty without direct proof of fraud or fraudulent intent. Extrinsic fraud occurs when deceit is employed to keep someone from exercising a right, such as a fair trial, by hiding evidence or misleading the opposing party in a lawsuit. Since fraud is intended to employ dishonesty to deprive another of money, property or a right, it can also be a crime for which the fraudulent person(s) can be charged, tried and convicted. Borderline overreaching or taking advantage of another's naiveté smaller amounts is often overlooked by law enforcement, which suggests the victim seek a "civil remedy" (i.e., sue). Do to the fact that this added statement has alter the meaning of the medical report the appellant is demanding that the statement be removed from the Idaho industrial commission web page. The say accidents do happen. BUT TWICE. This legal duty was violated by the Idaho state insurance fund was against the injured worker. But in MR.DOUGLUS DONAHOU REFEREE ASSYND TO THE CLAIMANTS CLAIM BY THE IDAHO STATE INDUSTRIAL COMMISSION, & THE COMMISSION as a whole

FINDS NO RESONE TO DISTURB THE REFEREE'S FINDINGS, will the commission at oral augment produce the document of their finding of facts.

Mr. Donohue said Joel Owen, Sr. Claims Examiner requested the records. He acted like it didn't matter. It does matter; they are my private medical records, not part of my injury being treated. Recorded that pertained directly to the injury of April 17 2008 were never denied to the defendants. Ms. Owens directly lied under oath in deposition. When she was asked if all proper medical release forms were signed by me for her to receive my old medical records, she said: "Yes."

Mr. Donohue's Finding of Facts said I didn't get help because I fired my attorney for not liking how he handled my case. That was a lie. Lynn Luker, my attorney, also a state legislator, quit twice, in my case. Luker quit the second time Dec. 23, 2010, just prior to the new legislative session starting. Our offer to settle at \$467,000.00 received no adequate follow-up. I was not kept informed of my case progress. I refused the Insurance Fund offer of \$18,000 as totally unacceptable. Luker refused to file for my social security disability, and he quit, and went back to legislation. I proved my disability and won the SS myself. Luker wants \$25% of any eventual settlement. The fact that Luker is a legislator tells me government is upside-down.

On August 7 2008 Jowl Owen on behalf of the Idaho state insurance fund committed fraud and then through August 15 2008 through November 2008 through intimidation through the Idaho state industrial commission the Idaho state fund wanted the appellant to cover up their fraud before the appellant finds out. The appellant only acted upon the Idaho state insurance funds fraud by the intentional use of deceit, a trick or some dishonest means to deprive another of his/her legal right. A party who has lost something due to fraud is entitled to file a lawsuit for damages against the party acting fraudulently, and the damages may include punitive damages as a punishment or public example due to the malicious nature of the fraud. Quite often there are several persons involved in a scheme to commit fraud and each and all may be liable for the total damages. Inherent in fraud is an unjust advantage over another which injures that person. It includes failing to point out a known mistake in a contract or Constructive fraud can be proved by a showing of breach of legal duty without direct proof of fraud or fraudulent intent. Extrinsic fraud occurs when deceit is employed to keep someone from exercising a right, such as a fair trial, by hiding evidence or misleading the opposing party in a lawsuit. Since fraud is intended to employ dishonesty to deprive another of money, property or a right, it can also be a crime for

which the fraudulent person(s) can be charged, tried and convicted. Borderline overreaching or taking advantage of another's naiveté smaller amounts is often overlooked by law enforcement, which suggests the victim seek a "civil remedy" (i.e., sue). Do to the fact that this added statement has alter the meaning of the medical report the appellant is demanding that the statement be removed from the Idaho industrial commission web page. This legal duty was violated by the Idaho state insurance fund was against the injured worker. These records that appellant had found out that the Idaho state insurance fund gain by way of fraud through saif corporation out of Salem or. Due the fraudulent manner of MS jewel Owen appellants claim examiner stated in a filing to the Idaho state industrial commission that all record stored in any capacity has was deleted and destroyed and no record are in are computer system and is now deemed MOOT

But in

MR.DOUGLUS DONAHOU REFEREE ASSYND TO THE CLAIMANTS CLAIM BY THE IDAHO STATE INDUSTRIAL COMMISSION, & THE COMMISSION as a whole FINDS NO RESONE TO DISTURB THE REFEREE'S FINDINGS that the Idaho state insurance fund has done no wrong. In appellant opinion the state fund has committed wrong in the handling of appellants claim. The appellant is seeking damages. This legal duty was violated by them.

In MR.DOUGLUS DONAHOU REFEREE ASSYND TO THE CLAIMANTS CLAIM BY THE IDAHO STATE INDUSTRIAL COMMISSION, & THE COMMISSION as a whole FINDS NO RESONE TO DISTURB THE REFEREE'S FINDINGS ,states that the appellant fired attorney Mr. brown because I did not like the way he was handling my claim so appellant fired him in late October and continued pr see. That is a straight out lie. Again who thought I would have fought so hard for the truth. How did MR.DOUGLUS DONAHOU REFEREE ASSYND TO THE CLAIMANTS claim know that the appellant was going to have in appellants possession a letter from the law firm that MR. Brown work for and the real truth on why Mr. brown had to with draw and the reasoning for not take on my case. Again the appellant was not to know about all the lies that had been said and published and lie that had been filed through the law office of Anderson Julian& hull LLP and the altered documents that was in the file of Lynn luker. Again the appellant is requesting that the Idaho state industrial commission remove from their web page of the lies

that had been said about the injured worker; too these are very damaging statements.

In MR.DOUGLUS DONAHOU REFEREE ASSYND TO THE CLAIMANTS CLAIM states in his finding of facts and conclusions of law that appellant were having problems again with an attorney, and if this court did not know the whole story appellant be leaves this court would have assumed it was the same attorney in reference to Mr. brown, but anyway. In MR.DOUGLUS DONAHOU REFEREE ASSYND TO THE CLAIMANTS CLAIM failed to mention this attorney was the attorney that was handling appellant's failure to stop for a police officer at speeds of 92 miles per hr. on august 22 2008 witch was relayed to appellant injury of April 17 2008. Witch 4 (four) of appellants doctor testified on appellants behalf at the trial and based on their opinion and making my attorney supeney my medical perviders for my hearing appellant was found not guilty do to the over whelmingstress and the blackout the claimant was in at the time of his arrest with seven police offices with guns pointed at me in the parking lot of lifeway's. Also in Mr. Donahue fairy tell story he states appellant had been arrested in Payette Idaho on august 22 2008 witch is a lie that cannot be produced by a trio of fact. The commission and the Idaho state insurance fund and Lynn luker with his lie in his resume to be granted attorney lien and as of today the appellant still has not seen anything that Lynn luker filed to with draw other than thy want to say that I am a violent person ,and has went as far to state that I was going to my job to force them to pay me more money how dare Ms. O'Bar with the law firm of Anderson Julian & hull and for the defendants make a statement like that and file it as part of the records that is very damaging to who I was and who I am trying to be and again not know this has been filed as part of the records. Clearly this was part of the agencies records that appellant was trying to get the commission to have produced to this court the Idaho supreme court of the damage remarked but the appellant had been denied a lot of things. The appellant is demanding the removal of the industrial commission findings of fact and conclusion of law due to the overwhelming of unjust that has been done .and the commission as a whole the state fund has done no wrong that's just there way of trying to cover up there misstated.

In MR.DOUGLUS DONAHOU REFEREE ASSYND TO THE CLAIMANTS CLAIM states in his finding of facts and conclusions of law that appellant lied to Dr. Holt who evaluated appellant at the request of the state insurance fund October 2008. MR.DOUGLUS DONAHOU REFEREE wants to direct you to HIS findings of fact, conclusions of law, and order page 13, section 34 & 35 in the interview by Dr. Holt, claimant claimed to be unable to recall much of specific events. However claimant testified in great detail at trial. Claimant should not be excluded from work.

What MR.DOUGLUS DONAHOU REFEREE ASSYND TO THE CLAIMANTS CLAIM and the Idaho state industrial commission that as a hole find no reason to disturb his finding fail to tell this court is DR. Holt is the Doctor that had the appellants privet heath record "s that the Idaho state insurance fund in filings to the commission between august 15 2008 through October 10 2008 & august 15 2008 through November 2008 and stated that by law we the Idaho state insurance fund cannot get MR. Clarks privet health record without Mr. Clark signing the authorization of release forms. The Idaho state insurance fund did not just commit fraud and violated claimants duo process and lying to the Idaho state industrial commission but took claimants privet health records without any regards to appellant's privacy right and sent them to DR.Holt for review. Also in Dr. Holts report state Me. Clark ask me how I knew so much about him and I to him is I received a trueness amount of file prior to his arrival. Clearly when Dr. holt stated talking to the appellant abut a medical condition that appellant had only herd one time in the appellants life and the records that that doctor report was in is appellants prison records that included prison history and record that claimant believed was seal. Witch are some of the same record the Idaho state insurance fund was lying to the Idaho state industrial commission between august 15 2008 through October 10 2008 that without Mr. Clark sinning these medical authorization release of perfected health records. The appellant had every right to be upset. Witch it was not tell appellant found out about the prison records, only then did the Idaho state insurances fund sent hipa release forms for the Idaho department of correction and the Oregon department of correction.

What MR.DOUGLUS DONAHOU REFEREE ASSYND TO THE CLAIMANTS CLAIM did not menschen that the Idaho state insurance fund on august 1 2008 received appellants privet health records from the Idaho department of correction but did not send any kind of authorization for release of privet health record under HIPPA regulation tell august 15 2008 and sent these record to Doctor holt

What MR.DOUGLUS DONAHOU REFEREE ASSYND TO THE CLAIMANTS CLAIM did not menschen that the Idaho state insurance fund on august 7 2008 received appellants privet health records from saif corporation out of Salem Oregon but did not send any kind of authorization for release of privet health record under HIPPA regulation tell august 15 2008 and sent these record to Doctor holt. When the appellant found out in November 2008 after contacting Saif Corporation on another matter not related to my crush injury of April 17 2008 and only then appellant had found out that the state insurance fund had received my records from Saif Corporation. Appellant requested a copy of the authorization of release form the stare insurance fund had used and after receiving this information and after what the appellant had said in regard to the name on the release form saif corporation returned all records duo to the fraud manner that was used to receive the records. The industrial commission deems those records now moot. But Mr. Donahue used those records throughout his finding of fact and conclusion of law. Appellant also filed a motion to have the Idaho department correction of records deem moot in 2009 due to the **FACT** that the Idaho state insurance fund had received those record OF THE IDAHO DEPARTMENT OF CORRECTION RECOREDS in the same FRAUDUALENT manner as the records of saif corporation AND BY USING THE SAME AUTHERIZATION OF RELASES FORM.

What MR.DOUGLUS DONAHOU REFEREE ASSYND TO THE CLAIMANTS CLAIM did not menschen that IS the Idaho state insurance fund on august 11 2008 received appellants privet health records from HOLY ROSERY HOSPITAL IN ONTARIO OREGAN but did not send any kind of authorization for release of private health record under HIPPA regulation tell august 15 2008 and sent these record to Doctor Holt WITHOUT PERTECTING ANY ENFORMATION THAT COULD HAVE BEEN COUNSIDER A NON FACTOR. AND IF THE INFORMATION NEEDED TO BE RELASED TO THE DEFENDANTS DOCTOR FOR ANYKIND OF BENEFIT THAT THE

APPELLANT/INJURED WORKER WAS INTITLED FOR IN REGURDS TO  
RETRAINING/FUTURE MEDICAL CARE/MEDECATION COUNSELING AND OTHERE  
MATTERS. DO TO THIS VIOLATION COMITTED AGAINST THE APPELLANT AND DO  
TO THE FACT THAT THE APPELLANT WAS NOT TO FIGHT THIS HARD APPELLANT  
WAS NOT TO FIND OUT ABOUT THIS FINDING OF FACT AND CUNCLUCCION OF  
LAW. THE IDAHO STATE INSURANCE FUND STILL HAVE NOT UESED THE PROPER  
RELEASE FORM THAT MS. JOWEL OWEN APPELLANTS CLAIM EXCSAMANER SAID  
UNDER OETH in a phone deposition, claimant is not clear on how that came to be  
for appellant had won a motion before the industrial commission of the state of  
Idaho in march of 2009 that MS jewel Owen will testify at a hearing in person and  
not by phone when one is set in the future and in the same motion appellant was  
granted supine of sandy basket, THAT IN FACT SHE HAS (MS OWEN)HAS USED THE  
PROPER RELEASE FORM. **THAT IS A LIE.** Do to the fact the What MR.DOUGLUS  
DONAHOU REFEREE ASSYND TO THE CLAIMANTS CLAIM want this court and all  
first impression reader that appellant is a bum a drug addict, a meth addict,  
heroin addict and a violent person, and appellant have been in prison for half his  
life and had been on phycateric medication all my life. the Idaho state insurance  
fund received appellants privet health record august 11 2008 from holy rosary the  
state insurance fund used at hearing a medical record of 1996 that had a  
statement by a medical doctor that appellant had been in prison for selling  
narcotics witch appellants attorney Lynn luker was wear of this but told appellant  
the commission will figure it out. Appellant attorney would not do any kind of  
investigation to help me prove this comment was wrong. After Lynn luker quit on  
appellant twice and has almost 4,362.that was paid to Lynn luker before he was  
granted attorney lien by the Idaho state insurance fund witch claimant believe  
Lynn luker should pay this back to appellant and the state insurance fund should  
pay Mr. Luker. The Idaho state insurance fund as of November 21 2012 still does  
not have proper authorization to have appellant's health records. Appellant  
contacted holy rosary hospital January 2011and spoke with tom director of  
records and had the statement that appellant had been in prison for selling  
narcotics for the appellant was able to prove that was a file statement it has been  
removed from appellants medical record for it was a damaging statement And  
untrue. The Idaho state insurance fund also sent that record of holy rosary to Dr.

Holt October 10 2008 well lien to the industrial commission and forcing a mentally ill person by way of intimidation and threat of fined to sync medical HIPPA signed medical of authorization of private health record release form.

DONAHOU REFEREE ASSYND TO THE CLAIMANTS CLAIM want this court in the finding facts that appellant had received retraining that is a lie the appellant did some testing with TVCC in Ontario Oregon in regard to retraining do to appellants injury of April 17 2008

Mr. DONAHOU REFEREE ASSYND TO THE CLAIMANTS CLAIM based his finding of appellants PTSD on Dr. Holt 5% PTSD related to appellants injury of April 17 2008 and gave little wait to my psychologist DR. Si Steinberg 100% PTSD work related. Appellant was not again to make it this far and to uncover that the Idaho state insurance fund had used Dr. Holt record that clearly was very bias or what this court would call for the statements that are made negative against the appellant was for the sole purpose of the defendants to not take responsibility of appellant psychological part of appellants near Death experience.

Appellant had every right to refuses to answer any questions ask of dr. holt for he was asking appellant questions in regard to records that the Idaho state insurance fund was telling the commission by law the defendant are unable to get claimants pre accident records without Mr. clerk syncing these authorization of release form for records that clearly needed appellant authorization to receive.

Mr. DONAHOU REFEREE ASSYND TO THE CLAIMANTS CLAIM based his finding about the claimant on opinions of a doctor that clearly received record and do to appellants refusal to answer and knowing in filing through Dec of 2009 that the issue of DR. Holt was a major issues of appellants flinging to the commission before hiring his attorney Lynn luker of Jan 2010 and do to the filing should have step down do to our conflict.

The records that Mr. Donahue states in his finding that the appellant and his attorney receives fearing the process of the claim was in fact three binders that the appellant had received from the Idaho state insurance fund in also in a march 2009 order of the commission. These three binder of records the appellant did



not know the magnitude of these three binders that appellant had in his possession for nearly 10 months while filing to the commission with documents taken out of those binders to tire and show to the commission of the lies and the scam that the Idaho state fund did to a party who perform the task that was agreed open for transportation before surgery of Jan 29 2009 which appellant received by mail and by fax that both parties performed as stated in the agreement. Appellant agreed that the Idaho state insurance fund was to pay for that transportation. Mr. DONAHOU REFEREE ASSYND TO THE CLAIMANTS CLAIM based in his finding and order of May 2 2012 that Dr. Hansen stated appellant would maybe not have to be put under with some kind of gas and this was not asked of doctor Hansen until after the transportation was performed and Dr. Hansen's opinion was in relationship to a pre-op that appellant had to have in place based on the policies that appellant had to sync with the hospital and not that off Dr. Hansen's office and read that I understand of all hospital rules of pre-op. If the state insurance fund wanted information about if appellant needed what appellant had signed at the hospital in regards to the transportation our the aftercare that I had to show also with the hospital that appellant would have someone stay with him after surgery when returning home for the evening. The appellant has 152 pages of print out of audio tape phone conversation that was taped by the law firm of Anderson Julian & Hull LLP between Jan 11 2011 through February 2012 that clearly show how Ms. Rachael O'Bar for a year lied to the injured worker and how Ms. Rachael O'Bar was trying to tell the appellant not to take his pain medication due to my concern and the advice that even with the advice of my medical doctors statement that appellant should not be driving continued to lie to the appellant and forced the appellant to find his own way. As to ask my family. But because then the claimant was in a car wreck October 2011 and in the police report appellant was asked by law enforcement based on the officer's observation requested appellant go and bring the prescription of the meds appellant takes to the state insurance fund. Continue denial of medical transportation claimant did get in a wreck and totaled a camper on the back of a pickup and when I told this to MS Rachael O'Bar and that I the appellant had did over 4,000 dollar worth of damage to my truck and my truck was undividable I was told again that the state insurance fund is paying transportation as required per policy even when I said that I will not be able to

drive the 108miles to my pain specialist for my appointment and she did not care and again. So the appellant has only had to act apron there attack against the denial and the denial of other matter that if this court is to read the phone transcript but together and sent to the appellant feb 2012 and filed them with the agents record one day before the commission order for appellant to cease all filing as of august 1 2012 to clearly show how the state fund through the law firm of Anderson Julian and hull LLP and Ms. O'bar took advantage of a person who was clearly not mentally stable do to his injury and the over whelming of denial of medications and it will show that MS bar agree with the appellant that it was not about money to appellant but appellant was just asking for help.

Ms. O'bar even states how appellant had taken more of appellant's medication to keep appellant calm at the hearing of November 18 2010. But appellant was denied rehearing based on appellant stating that the appellant had taken more meds then required so claimant could keep himself com as all was aware of the extra meds I was on for claimant believed that MS Owen was to appear in person but was not there and sandy basket who claimant had won a supine for her to show that was in my witness list before the hiring of Lynn luker was to testify at the appellant hearing but was also a no show .

**The appellant would like for this court of appeal to read the appellants**

**COMPLAINT FILED JULY 9, 2008 BEFOR THE COMMISSION6 and filed march of 2009.) And ALL HAND WRITTEN LETTERS FROM APPELLANT TO COMMISSION in regards to theses medical record and this court will see this is not about that someone forgot to cross a t our dot a l. and it will clearly show that the lies, the fraud, the malice that have been committed in issues that the appellant had before the commission before the hiring of Lynn luker was and could have a major impact on my entitlement.**

THE COMMISSION WANTS EVERYONE TO THANK THE APPELANT HAS LIED. THE COMMISSION WANTS EVERYONE TO THANK THAT THE APPELANT FORCED HIS DOCTOR TO DO THE OPERATION ON HIS ARM. And to testify at appellant trial in regards to the august 22 2008 witch was relayed to claimant's injury of April 17 2008

THE COMMISSION WANTS EVERYONE TO BELIEVE THAT THE APPELLANT FORCED HIS DOCTORS TO CHANGE THEIR OPINION IN THEIR RECORDS ABOUT APPELLANT'S PTSD.

THE COMMISSION WANTS EVERYONE TO BELIEVE APPELLANT WAS FAKING MY INJURY BASED ON DR. HOLT'S RECORD. WHICH IS WHEN APPELLANT HAD LEARNED THAT THE STATE FUND HAD IN THEIR PERMISSION AND HAD SENT PROTECTED HEALTH RECORDS AND HAD SENT THEM TO THEIR DOCTORS FOR REVIEW AND AT THE SAME TIME TELLING THE COMMISSION BETWEEN AUG 15 TO OCT 10 OF 2008 BY LAW THE STATE FUND CAN NOT GET THESE RECORDS WITHOUT APPELLANT'S PERMISSION THAT DOCTOR HOLT ALREADY HAD IN HIS PERMISSION AND THE APPELLANT HAD REFUSED TO ANSWER ABOUT ISSUES THAT HAD ANYTHING TO DO WITH THE RECORDS THE DOCTOR HOLT DID NOT HAVE PERMISSION TO HAVE AND BECAUSE I HAD NOT BEEN ABLE TO GET AN ATTORNEY YET I FELT I SHOULD NOT ANSWER AND THEN HE PUTS IN HIS FINDING ON A TEST THAT I WAS FAKING BAD. Again the injured worker was not to make it this far and to have made it and to see the true side of the act of a legislator taking advantage of an injured worker by an Idaho state legislator who is vice chair of the judicial. Mr. Lynn Luker violated appellants trust.

THE COMMISSION WANTS EVERYONE TO BELIEVE THAT WHEN THE STATE FUND SENT THE APPELLANT'S MOM A FAX AND LETTER THAT THEY WOULD PAY FOR HER TO TAKE ME TO MY OPERATION AND THEN BACK OUT AFTER THE FACT AND THE COMMISSION DO NOTHING ABOUT IT AND IT WAS IN APPELLANT BRIEF AS A BILL TO BE PAID AND THE COMMISSION NOT EVEN TALK ABOUT IT IN THEIR FINDING OF FACTS AND CONCLUSION OF LAW.

MR. DONOHUE DID NOTHING ABOUT ANYTHING THAT THE STATE FUND HAD DONE AND CONTINUED TO ALLOW THE STATE FUND TAKE ADVANTAGE OF AN INJURED WORKER WHO COULD NOT GET AN ATTORNEY RIGHT AWAY AFTER HIS INJURY.

THE APPELLANT BELIEVED THAT MR. DONOHUE AS REFEREE WHO SHOULD HAVE APPOINTED SOMEONE ELSE DUE TO OUR PERSONAL CONFLICTS DUE TO THE LETTERS I WROTE NOT KNOWING TELL AFTER I HIRED MY ATTORNEY THAT MR. DONOHUE WOULD ALSO DO THE CONCLUSION ON WHAT I MAYBE INTITLED TO .

THE APPELLANT MAY NOT KNOW HOW TO SPELL BUT YOU DONT HAVE TO KNOW HOW TO SPELL A WORD TO SAY IT. THE COMMISSION WANTS EVERYONE TO THANK THAT IT HAS BEEN ALL ABOUT MONEY TO ME AND THAT IS FAR FROM THE TRUTH ALL I HAVE BEEN ASKING FOR IS HELP TO DEAL WITH MY PDST WITCH I HAVE YET TO WORK ON BECAUSE THE INJURED WORKER HAS BEEN DOING NOTHING BUT TRYING TO FIGHT THE STATE FUND IN VIOLATING THE APPELLANTS DUE PROCESS.

THE APPELLANT IS SEEKING RELEAF FROM THE IDAHO STATE COURT OF APEAL AND IS SEEKING DAMAGES FOR THE CLEAR ACT OF FROUD AGAINST THE APPELLANT. THE APPELLANT DID NOTHING WRONG AT HIS JOB BUT PERFORM MY JOB AS I WAS TRAINED TO DO. THAT STATE FUND HAS DONE NOTHING BUT CAUSE UNDO STRESS ON THE INJURED WORKER TO NOT TAKE RESPONSIBILITY FOR THE INJURY THAT ALMOST TOOK MY LIFE AND MY ARM AND THE WAY I NEW HOW TO MAKE A LIVING.

LYNN LUKER A LEGISLATOR/ ATTORNEY MAY BELIEVE THAT IT IS HIS WORD AGAINST MINE. THE APPELLANT WOULD LIKE FOR LYNN LUKER ATTORNEY/ LEGISLATOR SHOW THE COURT OF APPELLE TO BACK UP HIS STATEMENT IN HIS ATTORNEY'S BRIEF ON MOTION FOR APPROVAL OF ATTORNEY'S LIEN FILED MAY 8, 2012 SAYING....APPELLANT WOULD OFTEN INDICATE THAT APPELLANT DID NOT NEED A LAWYER, AND ONLY HAD COUNSEL BECAUSE THE COMMISSION REQUIRED IT. **THAT IS A LIE.** THE APPELLANT DID MY OWN FROM APRIL 17, 2008 TO JAN 2010 BY MYSELF. NO WHERE CAN LYNN LUKER/LEGISLATOR SHOW OR PROVE THAT THE COMMISSION REQUIRED THE APPELLANT TO HAVE A ATTORNEY.THE ONLY REASON MR. LYNN M. LUKER QUIT IS BECAUSE THE LEGISLATION STARTED ON JAN 6, 2011 AND BECAUSE I WAS WANTING HIM TO DO DEPOSITIONS WITH MY COUNSLOR JAY WHITCOMB OUR MY PSHCHIATRIS DR.SI STEINBERG WITCH Stated APPELLANTS PTSD WAS 100% WORK RELATED OR ANYONE OTHER THEN DR. HANSEN WHO DID THE OPERATION TO DISPUTE THE STATE FUNDS DOCTOR THAT THE COMMISSION BASED THERE DECISION ON. THE STATE FUND HAD ALL KINDS OF PEOPLE AT MY HEARING THAT WAS NOT EVEN DOCTORS. BUT MY ATTORNEY/LEGISLATOR REFUSSED TO CALL ANYONE AT MY HEARING . THE APPELLANT HOPE THAT WHEN ABLE TO FINISH THE REST OF THE STORY ON HOW THE AP-

PELANT WAS TREATED BY HIS ATTORNEY/LEGISLATOR LYNN LUKER THE COURT OF APPEAL WILL GRANT A NEW HEARING BASED ON MY ATTORNEY UNIFICTIVE ASSISTANCE OF COUNSOL. LYNN LUKER FOUND THE APPELLANT ON THE INTER-NET WHEN I POSTED A QUESTION ON THE ATTORNEY WEB SITE. BUT FOUND OUT THAT I WAS NOT A PUSH OVER OR A FREE MEAL OUR SOMEONE THAT HE COULD INRICH HIS POCKETS ON AND LEFT ME HANGING WITH 5 DEPOSITIONS TO DO BE-FOR DEC 31, 2010 AFTER QUITTING ON DEC 20, 2010 HE BUT HARDSHIP BY QUIT-ING AND LEFT THE APPELANT TO DO THE STATE FUND DOCTOR SO I COULD BRING IT TO An END.

THANK YOU FOR YOUR TIME AND ALLOWING ME TO COME FORWARD TO TELL THE REST OF THE STORY ON HOW APPELANT WAS MISTREATED DURING HIS LIFE CHANGING ACCIDENT THAT WAS NO FAULT OF HIS .

THE APPELETE WAS IN A WORK RELATED INJURY ON APRIL 17 2008 THAT ALL-MOST TOOK HIS LIFE AND ALMOST TOOK FROM THE MID FORARM TO MY FINGER TIPS OFF OF MY RIGHT ARM.( I WAS RIGHT HANDED) **ON APRIL 17 2008 MY EM- PLOYER CRY BABY FOODS LLC FILED A WORKERS COMPANSATION CLAIM.** BE-TWEEN May 2 AND may 5 2008 APPELETE HAD REGUISTED A REFEREEL FROM DOCTOR gross THAT SEEN appellant IN THE HOSPITAL AFTER BEING LIFE FLIGHT-ED FROM MY HOME TOWN OF WEISER IDAHO TO BOISE HOSPITAL TO A DOCTOR THAT WAS IN MY HOME TOWN DO TO THE PAIN MEDICATION I WAS ON AND THE FACT THAT THE APPELETE HAD TO DO HIS OWN DRIVING FOR AT THAT TIME THE STATE FUND WOULD NOT HELP ME WITH TRANSPORTATION AND FOR SAFTY IS-SUE OF DRIVING WHILE UNDER THE INFLUEANCE OF A CONTROLLED SUPSTANCE. THEN BETWEEN MAY 5 2008 AND MAY 29 2008 THE APPELETE FOUGHT WITH THE STATE FUND TO SEND MY REFEREL TO MY NEW DOCTOR THAT appellant HAD SET MY FIRST VISIT MAY 30 2008. ON OUR AROUND MAY 23 2008. THEN DEBBIE FROM Dr Hansen office CALLS WANTING TO COUNCILE MY APPOINTMENT DUE TO THEY HAVE NOT RECIEVED MY REFEREL FROM THE STATE FUND. THE APPE-LETE EXSPLAIND TO DEBBIE TO HOLD OFF AND I WILL WORK ON GETTING THE REFEEREL. EVERYDAY TWO THREE TIMES A DAY I WOULD CALL THE STATE FUND

TO FIND OUT WHAT THE HOLD UP IS. AND THEN LATE AFTERNOON ON MAY 29 2008 DEBBIE FROM DOCTOR HANSENS OFFICE CALLS AND TELL ME THAT THEY HAD NOW RECIEVED MY REFERREL TO START SEEING DR. HANSEN. **BY THIS INFORMATION THE APPELETE NOW BELEAVES HE NO LONGER HAS TO DRIVE BACK AND FOURTH TO BOISE FOR MEDICAL APPOINTMENTS. APPELETE SEE'S HIS NEW DOCTER ON MAY 30 2008 AND SETS MY NEXT APPOINTMENT FOR TWO WEEKS.**

ON JUN 5 2008 APPELELE PICKS UP A CERTIFIDE LETTER AT THE POST OFFICE FROM HIS EMPLOYER STATING THE APPELET HAS BEEN RETURNED TO WORK FULL TIME 10 HR. DAY FOUR TO FIVE DAYS A WEEK. I CONTACTED MY EMPLOYER AND I WAS TOLD BY KEN ADAM MY SUPERVISOR THAT HE RECIVED A PHONE CALL ASKING IF I WAS RELEASD BACK TO WORK AT A LIGHT DUTIE RESTIC-TION ON HAND MOTIFIDE WORK IF HE COULD ACOMODATE IT AND HE SAID YES. THEN I CONTACTED THE STATE FUND AND WAS TOLD THAT MY DOCTOR THAT I WAS FIGHTING THE STATE FUND ON TO GET HIS REFEREEL SNVT OVER TO DR.HANSEN SO I CAN CONTINUE MEDICAL TREATMENT WITH HAD RELEASED ME TO GO BACK TO WORK AND IF I DID NOT RETURN TO WORK THAT THEY WOULD CONSIDER ME AS A NO SHOW . SO I WAS FORCED TO RETURN BACK TO WORK EVEN THOUGH I WAS SEEING DOCTERS 5 DAYS A WEEK DO TO CHANGE THE DRESSING THAT HAD TO BE DONE EVERY DAY BY A DOCTOR DUE TO THE MASIVE SWELLING AND THE DRAINAGE THAT WAS HAPPENING BECAUSE OF THE OPEN WOUND THE COULD NOT CLOSE FOR OTHERE WAS MY ARM WOULD HAVE GOT-TEN INFECTED AND SEEING COUNSILORS TO DEAL WITH THE NIGHTMARES I WAS HAVEING OF THE MACHINE THAT ALMOST TOOK MY LIFE.

THE STATE FUND AND SANDY BASKET WITH THE INDUSTRIAL COMMISSION RE-HAB DIVISSION COMMITTED FRAUD AND EXTRINSIC FRAUD ON MAY 29 2008. THE APPELETE DID NOT UNCOVER THE EXTRINSIC FRAUD TELL JULY 25 2008.

I WAS ASKING THE STATE FUND HOW THEY WHERE ABLE TO GET A DOCTOR TO SYN OFF ON A RETURN TO WORK ORDER CONSIDERING I HAD NOT SEEN HIM FOR ALMOST THREE WEEKS AND DID NOT SEE HIM TO GO OVER ANYTHING . AND THEY WOULD NOT TELL ME ANYTHING BUT THAT HE DID.

ON JULY 9 2008 APPELETE FILED A COMPLAINT WITH THE INDUSTRIAL COMMISSION AS MR. DONOHUE THE REFEREE ON" HOW WAS THE STATE FUND ABLE TO GET A DOCTER THAT I HAD NOT SEEN AND WAS NOT GOING TO SEE SYN OFF ON A RETURN TO WORK ORDER AND THE 318.00 THAT THEY OWED ME FOR THE WEEK I WAS OFF TEEL MY NEW DOCTER TOOK ME BACK OFF WORK AFTER FINDING OUT THAT THE STATE FUND HAD RETURN ME BACK TO WORK. OSHA WAS CONTACTED BY APPELETE IN MID JUN 2008 AND IN MID JULY OSHA FOUND MY COMPANY TO BE IN 21 SIEREOUE VIOLATIONS AND FIND THEM FOR 15 AND FOUND THEM GUILTY OF NOT GIVING THERE EMPLOYEE A SAFE WORK PLACE.

THEN ON JULY 25 2008 APPELETE WAS REVIEWING MEDICALE RECORD THAT THE CLAIMANT REGUSTED AND RECIEVED FROM THE STATE FUND ON JUN 30 2008 BY MAIL. AND THAT SANDY BASKETT WITH THE COMMISSIONS REB DIV HAD ALSO SYN OFF ON THE SAME DOCUMENT THAT THE STATE FUND WAS TELLING ME THEY KNEW NOTHING ABOUT EVEN THOUGH THEY ALSO HAD SYND OFF ON IT.

BECAUSE SANDY BASKETT WORKS IN A FIELD OFFICE IN PAYETTE IDAHO FROM THE BOSIE MAIN OFFICE I TOOK IT APON MYSELF TO FIND OUT WHAT WAS NOT ATTACH TO THE DOCUMENT I WAS READING . I WENT TO SANDY BASKETT OFFICE AND REQUESTED A COPIE OF THIS SO CALLED JOB SITE EVALUATION THAT WAS SUPPOSE TO BE ATTACH TO THE DOCUMENT IN HAND.

SANDY BASKETT AND CAROL GAURLAND AND THE STATE FUND HAD CLEARLY COMMITTED FRAUD AND EXTRINSIC FRAUD BY WITHHOLING A JOBSITE EVALUATION, PREPARED BY MY FORMER TREATING DOCTOR. THIS VALUABLE MEDICAL INFORMATION WAS KEPT FROM MY BOSS KEN ADAM AND ME. THIS CAUSE MY BOSS, KEN ADAM, TO UNKNOWINGLY PUT MY LIFE IN DANGER AND IN JEOPARDY. AFTER REVIEWING WHAT WAS IN THIS REPORT THE APPELETES RESTRICTION WOULD NOT BEEN AVALUABLE TO PERFORM EVEN IF I OR MY BOSS WOULD HAVE HAD IT.

SANDY BASKETT AND THE STATE FUND ALSO COMETTED FRAUD IN THE INDUCEMENT IN MISLEADING THE OTHER PARTY TO THE FACT OPON WHICH HE OR SHE WILL BASE HIS OR HER DICISION TO ACT.

THE STATE FUND HAS MEDICAL RECORDS THAT WAS USED AT APPELETES HEARING OF NOV 18 2010 THAT WAS USED IN THE COMMISSION FINNALL DICCISION ON MAY 2, 2012 THAT THE STATE FUND DID NOT HAVE PROPPER PERMISSION TO USE OR HAVE. Ms. OWN WITH THE STATE FUND LIED UNDER OUTH ABOUT THE MEDICAL RECORDS THAT WAS USED IN THE COMMISSION FINDINGS OF FACTS AND CONCLUSIONS OF LAW. THESE MEDICAL RECORD WHERE RECIVED WITHOUT PERMISSION BY THE APPELETE ON AUG.1 2008, AUG 7 2008, AUG 11, 2008.

LYNN LUKER ATTORNEY FOR THE APPELETE FROM JAN 2010 TO DEC 21, 2010 QUIT TWICE ON THE APPELETE ONCE THROUGH THE COMMISSON WITCH WAS GRANTED ON DEC 21, 2010. AND THE APPELETE REHIED LYNN LUKER ON DEC 23, 2010. THE ONLY THING THAT MR LUKER WANTED THE APPELETE DO IS TO SETTLE AND THE APPELETE WOULD NOT. THE APPELETE BEG MR.LUKER TO PLEASE HAVE MY DOCTORS TO APPEAR AT APPELETE HEARING BUT WOULD NOT AGAIAN IT WAS ALL ABOUT ME TO TAKE A SETTLMENT FROM THE STATE FUND. MR LUKER REFUSED TO HAVE ALL MY DOCTOERS DEPOSITION WITH IN THE 14 DAYS AFTER MY HEARING. AGAINE IT WAS ALL ABOUT SETTLEING. AND IT WAS ALL ABOUT GETTING THE HELP I NEEDED TO HELP WITH UNDERSTANDING HOW TO DEAL WITH LIFE WITH OUT BEING ABLE TO DO THE KIND OF WORK I DID TO MAKE A LIVING. AND THAT MY RIGHT ARM WILL NEVER LOOK THE SAME AND EVERY DAY I LOOK AT IT IT'S A REMINDER OF ME FIGHTING FOR MY LIFE FOR TEN MINUTE. THIS IS MY LIFE THAT WAS ALMOST TAKEN. MR. LUKER WOULD NOT DO ANYTHING ABOUT THE STTATE FUNDS ACTIONS THE APPELETE HAD ALREADY HAD FILED WITH THE COMMISSION ABOUT HOW THE STATE FUND CAME INTO PERSSION OF APPELETES OLD MEDICAL RECORDS THAT HAD NOTHING TO DO WITH THE ACCIDENT OF APRIL 17 2008. THE APPELETE SYN UP FOR SOCIAL SECURITY DISABILITY ON JULY of 2009 well hospitalized due to complications to appellant's injury of April 17 2008 accident FOR MR. LUKER ALSO BELEAVED THAT THE APPELETE WAS DISABLED UNDER THE ODD-LOT RULE AND SENT THE STATE FUND A SETTLEMENT OFFER OF 476.000 ON JUN 1 2010. BUT DID NOT WANT THE APPELETE TO FOLLOW THROUGH WITH SSD TELL AFTER THE COMMISSION DECISION. THE APPELETE WAS UPSET FOR I WAS LOSEING EVERTHING DO TO THE HARDSHIP THAT THIS WORK ACCIDEND HAD DONE. THEN AFTER MR LUKER QUIT



THE SECOND TIME THE APPELETE FOLLOWED THROUGH WITH SSD AND WAS AWARDED SSD DO TO MY INJURY AND WITH THE SAME MEDICAL REPORTS THE COMMISSION USED. AND SSD FOUND THAT MY DISABILITY STATED APRIL 17 2008 TO THE PRESENT. I DID CONTACT MS. O'BAR THE ATTORNY FOR THE STATE FUND ABOUT THE FINDINGS. AND THEN MR.LUKER, ATTORNY, LEGISLATOR, WANTS EVERYONE TO BELEAVE THAT I WAS THE PROBLEM WHY HE QUIT SO UNTRUE.

Appellant would like to know why Mr. Lynn luker did not put in any filing to the state insurance fund or the Idaho state industrial commission about that claimant had synod up for SSD while I was hospitalized do to complication of my injury of April 17 2008 in 2009 which is the hospital bill that the state insurance will not be paying for due to Mr. Donahue referee of claimant claim stated there was good cause to not pay. And that the appellant was not referred to do so by any of appellant's medical doctor. Put that is not true if this court reads Doctor Hansen report he suggested I go and also appellant's counselor from life ways. So appellant does not know what record the commission is reporting about.

The files that Lynn luker had and used were the records that were in the 3 binders appellant had won in a motion in march 2009 for record appellant thought he was entitled to without having to fight minus the documents that appellant had taken out during the 10 months prior to the hiring of Lynn luker in march of 2009. And then for if the appellant had not fought for justice and get to where i am today appellant would not have known about the altered document that where in the files that the appellant had pick up from the Idaho state industrial commission after appellants attorney who quit on the appellant at the appellants most venerable time had drop off for appellant to pick up. Lynn luker also withheld that doctor Hansen had infect did the impairment raiding on the sixth edition of the medical evaluation guide witch the appellant had been doing and waiting for the Idaho state insurance fund to get Dr Hansen report of his evaluation based on the sixth edition. Then as of Jan 2010 Now that I have retain an attorney I have to rely that my attorney is following through on claimants filing prior to his hiring due to appellant can no longer contact the defendants and deal with the issues before the commission.

The Idaho state insurance fund stated in a response filing through the Idaho industrial commission September 2009 that stated' the Idaho state insurance fund has no objection to paying doctor Hansen impairment rating based on the fifth or sixth edition. And then after appellants attorney quit the second time and only then did appellant find out that Dr Hansen had in fact done an impairment rating put together that Dr. Hansen had in fact did his impairment reading on the sixth edition in October 2009. The appellant went to have this done on the statement and the filing by the Idaho state insurance fund stating they would pay on ether addition. And then to think back to a stipulation to an advancement payment on Doctor Hansen fifth Addison impairment rating that appellant was receiving a monthly check **the Idaho state insurance fund was aware of dr Hansen sixth addition impairment rating.** And withheld this information from appellant then had the appellant sync a stipulation regarding to any future payment knowing that the Idaho state insurance fund was withholding again a document from the appellant. When finding out that this document was in my attorney's precession I had every right to be upset. And then over the last month and a half and find the alter document that was tried to be put in place of the documents that the appellant had taken out but to make then know look as filing on other dates and time. Again all this the appellant was not to find out tell it was too late.do to the fact the Idaho state insurance fund has withheld document from the appellant in the past and Mr. Donahue know of this past . The appellant requested a final review of all record for I do not see anything or documents that Mr. Luker should have in the filing that appellant received after he quit base on the filing that Lynn luker filed. But appellant was denied that request in relation to appellants appeal before this court. Lynn luker refused to call anyone that claimant had on his witness list.

Lynn luker filed with the commission a letter in march requesting that if a phone conference is warranted and is to be set will the commission wait tell 10 days after legislation is over. Because Mr. Luker stated that this is his first notice of the phone conference. Appellant is confused for in February 2010 Mr. luker had filed something stating in an answer like way that a phone conference is not needed so it was vacated and the claimant is not sure if Lynn luker was lying our not. And

then mail to the appellant a letter 8 months later Lynn luker wanted the appellant to look over the information but don't change anything if there is anything to change mail it back and we will go over it over the phone and we need to hurry. Now the appellant know the real truth on why lynn luker did nothing for he was to busy to work on my claim properly. For mr luker refused to call anone the state fund was paying for all deposition including appellants doctor with was the last two to be done on Dec 30 & 32 DEC 2010. LYNN LUKER OWES ME ALMOST 4,000 DOLLARS WITCH HE HAD ALREADY BEEN PAID FOR BEFOR HIS LIEN WAS GRANTED JULY 10 2012.

THE INJURED WORKER WHANTS TO BRING THIS TO AND END THE INJUERD WORKER IS LOST HOPE THIS COURT WILL ECEPT THIS BRIEFF AS APPELLANT BRIEF ON HIS EGURANCE OF THE PROPER WAY OF THFILING AN DO TO THE FACT THAT THE APPENT DOES NOT TRULEY KNOW WHAT RECORDS THIS COURT HAS FOR REVIEW FOR CLAIMANT WAS DINED FINNAL REFEW BUT THE IDAHO STATEINSURANCE FUND CAN REQUEST A COPIE OF THE ANGENCES RECORED IN THE FILING OF THIS COURT FOR TRANSPARECE, APPELLANT HAE BEEN READING OF THERE FILES THAT BOTH PARTYS HAVE RECIED THEM . SO HAVE THEY BEEN LIEING.THE APPELLANT RECEIVED A LETTER ON DECEMBER 15 2010 FROM SSI STATING THAT IF APPELLANT HAS MOE MEDICAL RECORD THAT I NEED T G THEM FILE I BRUGHT THE ISSUE OF SSI AND OTHERE MATTER S TO LYNN LUKER AND 5 DAYS LATER HE QUIT AFTER LYNN LUKER QUIT THE SECOND TIME CLAIMANT HANDIDID ALL THE RECOERDS APPELLANT GOT FROM LYNN LUKER WAS GIVEN FOR REVIEW AND THE APPELLANT WAS AWORDED SSD BASED ON THE SAME MEDICAL REPORTS THAT THE INDUSTRIACOMMMISSION HAD FOR REVEIW AND BASED MY SSD ON THE INJURY OF APRIL 17 2008 THAT WAS NO FAULT OF MINE AND I AM THE VICTIM.THERE IS SO MUCH MORE THAT THE APPELLANT HAS NOT EVEN TOUCH.

APPELLANT STANDS BUY HIS BRIEF AND WHAT I SAID APRIL AND MAY 2011  
I FILL I HAVE PROVED THAT I AM DISABELD AS ODD LOTT.

The appellant would be willing to come to a privet session to still try and bring this to an end .five years is long enough for I am not a quitter and know I must set

and wait for this court's OPINION if this court finds any reason to overturn the commission order. While I was in prison I learned to read and got my HSE took advantage of a mistake I made in life put their doctor state I did not work during the two years possible due to drug addiction how dare that statement be made that is not true that statement came from Mr. Crum that never did show when and if there were any jobs in my area after I file him as part of appellants appeal before the supreme court

The Idaho state insurance fund sent a check for a like over 11,000 thousand dalliers in mid-May of 2012 and Lynn Luker sent appellant 400 dollars back of the nearly 4,000thousand he was paid before his lien was approved. There has been wrong done on all side other then the appellant. Appellant is requesting that this court over turn the finding of fact and conclusion of law and to send it ack with a party try and bring this to an end, claimant wrote on the back of itch check "cashed due to financial hardship to the fact claimant is not sure what the money is for

Think you for your time in this matter



JAMES W CLARK