

GENERAL

16. Workers' Compensation Court

We review findings of fact made by the Workers Compensation Court (WCC) to determine whether those findings are supported by substantial, credible evidence, and we review conclusions of law made by the WCC to determine if those conclusions are correct. In reviewing the WCC's factual findings, we will not resolve conflicts in the evidence or consider whether the evidence supports findings that are different from those made by the WCC. Instead, we will confine our review to determining whether substantial credible evidence supports the findings of the WCC. In addition, we will defer to the WCC's findings concerning credibility and the weight to be accorded to the testimony of witnesses who testify in person at trial. But, because we are in as good a position as the WCC to assess deposition testimony presented at trial, we will review such deposition testimony de novo. Nevertheless, "even where we conduct de novo review of deposition testimony, we are ultimately restricted to determining whether substantial credible evidence supports the WCC's findings." *Montana State Fund v. Grande*, 2012 MT 67, ¶ 19, 364 Mont. 333, 274 P.3d 728 (internal citations omitted).

We review for correctness the WCC's conclusion of law that involves constitutional issue. *Caldwell v. Maco Workers' Comp. Trust*, 2011 MT 162, ¶ 8, 361 Mont. 140, 256 P.3d 923