

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

1998 MT WCC 3

WCC No. 9604-7536

THEDA BEA BOULDIN

Petitioner

vs.

LIBERTY NORTHWEST INSURANCE CORPORATION

Respondent/Insurer for

BIG SKY CARVERS

Employer.

ORDER AWARDING COSTS

Summary: Pro sé claimant who prevailed at trial filed Memorandum of Costs seeking \$805.00 for "loss of time from work." Insurer objected.

Held: Claim for lost work time denied where there are no provisions in the Workers' Compensation or Occupational Disease Acts, nor in the rules of the Workers' Compensation Court, for that item as a recoverable cost.

Topics:

Constitutions, Statutes, Regulations and Rules: Workers' Compensation Court

Rules: ARM 24.5.342. Pro sé claimant who prevailed at trial filed Memorandum of Costs seeking \$805.00 for "loss of time from work." Cost claim denied where there are no provisions in the Workers' Compensation or Occupational Disease Acts, nor in the rules of the Workers' Compensation Court, for lost work time as a recoverable cost.

Costs: WCC Costs. Pro sé claimant who prevailed at trial filed Memorandum of Costs seeking \$805.00 for "loss of time from work." Cost claim denied where there are no provisions in the Workers' Compensation or Occupational Disease Acts, nor in the rules of the Workers' Compensation Court, for lost work time as a recoverable cost.

¶1 On December 22, 1997, Theda Bea Bouldin, representing herself filed her Memorandum of Petitioners' Costs in the above-entitled matter. Counsel for the respondent, Liberty Northwest Insurance Corporation (Liberty), filed an Objection to Petition for Costs on December 31, 1997. Liberty objects to those costs claimed and submitted for "loss of time from work" in the amount of \$805.00. There is no objection to other costs in the amount of \$165.90.

¶2 Ms. Bouldin's request for costs for loss of time from work must be **denied**. There are no provisions in the Workers' Compensation or Occupational Disease Acts, nor in the rules of the Workers' Compensation Court, which provide for "loss time from work" as a cost item.

¶3 IT IS HEREBY ORDERED that the respondent, Liberty Northwest Insurance Corporation pay to the petitioner, Ms. Theda Bea Bouldin, her costs in the amount of \$165.90.

DATED in Helena, Montana, this 22nd day of January, 1998.

(SEAL)

/s/ Mike McCarter

JUDGE

c: Ms. Theda Bea Bouldin

Mr. Larry W. Jones

Submitted: December 31, 1997