

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

2000 MTWCC 37A

WCC No. 9908-8298

EVE ART

Petitioner

vs.

INDEPENDENT CONTRACTOR CENTRAL UNIT, ex rel. PATRICIA MASON

Respondents.

ORDER AMENDING FINDINGS OF FACT

Summary: Petitioner requested that Court amend Findings of Fact, Conclusions of Law and Judgment to reflect testimony that claimant understood she would be considered an independent contractor during employment.

Held: Where no objection was filed and requested amendment was consistent with Courts understanding of the evidence, request to amend granted.

1 Petitioner has moved to amend the Court's findings of fact, conclusions of law and judgment by adding the following sentence to either paragraph 22 or 23:

Both Art and Swandal testified that it was discussed, and Mason understood, that she would be considered an independent contractor, although Mason testified that she could not specifically recall this part of the conversation.

The time for filing any opposition to the motion has expired and none has been filed, therefore the Court deems the motion unopposed.

2 I find that the proposed amendment is consistent with my understanding of the evidence and my unarticulated impression that both Art and Mason understood or believed that Mason was an independent contractor. Therefore, finding good cause, paragraph 23 is amended to read as follows:

23 Art thereafter talked to Mason and agreed to pay her \$8 an hour without deductions. Mason agreed she would be responsible for her own taxes. Both Art and Swandal testified that it was discussed, and Mason understood, that she would be considered an independent contractor, although Mason testified that she could not specifically recall this part of the conversation.

SO ORDERED.

DATED in Helena, Montana, this 8th day of August, 2000.

(SEAL)

/s/ Mike McCarter

JUDGE

c: Mr. Michael S. San Souci

Ms. Julia W. Swingley

Submitted: August 3, 2000