IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

2000 MTWCC 68

WCC No. 2000-0172

TAMARA HUTCHISON

Petitioner

v.

AMERICAN HOME ASSURANCE

Respondent/Insurer for

WAL MART STORES, INCORPORATED

Employer.

JUDGMENT

Summary: Parties disputed whether claimant's right foot condition was a work-related injury.

Held: In oral ruling recorded by Court reporter, Court held right foot condition related to claimant's injury, for which liability had been accepted. Insurer is liable for disability and medical costs attributable to that condition.

¶1 This matter was tried in Billings, Montana, on October 30, 2000. Petitioner, Tamara Hutchison (claimant), was present and represented by Mr. Patrick R. Sheehy. Respondent, American Home Assurance, was represented by Mr. Geoffrey R. Keller. After hearing all of the evidence, the Court ruled from the bench, finding that claimant's right foot condition is related to her January 4, 2000 work-related injury. I denied attorney fees and a penalty.

¶2 In ruling from the bench, I orally set out my findings of fact and bases for my rulings. The parties have notified the Court that the oral decision, which was taken by the court reporter, is sufficient. Therefore, incorporating my oral findings of fact and conclusions of law, JUDGEMENT IS HEREBY ENTERED AS FOLLOWS:

- The claimant's right foot condition is causally related to her January 4, 2000 injury for which American Home Assurance accepted liability.
- American Home Assurance is liable for medical benefits for the claimant's right foot condition and for compensation benefits arising from any disability attributable to

the right foot condition. If the parties are unable to determine the amount of benefits due, they may request that the Court do so and a further hearing will be held.

- The insurer's failure to accept liability for the right foot condition was not unreasonable and claimant is not entitled to attorney fees or a penalty.
- Claimant is entitled to her costs. She shall file a memorandum of costs in compliance with the Court's rules.

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

(SEAL)

/s/ Mike McCarter
JUDGE

c: Mr. Patrick R. Sheehy
Mr. Geoffrey R. Keller