IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

2026 MTWCC 5

WCC No. MSF-2026-0000031-WCI

TYLER MULLENBACH

Petitioner

vs.

MONTANA STATE FUND

Respondent/Insurer.

ORDER DENYING PETITIONER'S REQUEST FOR EMERGENCY HEARING

INTRODUCTION

¶ 1 Petitioner Tyler Mullenbach seeks an emergency hearing to determine eligibility for rehabilitation benefits. The request is premised upon a compressed timeline: tuition for Mr. Mullenbach's proposed educational program is due on August 14, 2026, approximately two weeks after this hearing.

FACTUAL BACKGROUND

¶ 2 Mr. Mullenbach sustained an industrial injury on December 2, 2024, while employed by Fusion Technologies in Lehi, Utah.

¶ 3 Respondent Montana State Fund (MSF) accepted liability for the claim.

¶ 4 Physician Assistant Chloe Jones was designated as Mr. Mullenbach's treating medical provider.

¶ 5 At MSF's request, John C. Schumpert, MD, performed an independent medical examination (IME). Dr. Schumpert concluded that Mr. Mullenbach's L3-4 disc bulge and associated spinal injuries were related to the industrial accident.

¶ 6 On December 29, 2025, Jones determined that Mr. Mullenbach had reached maximum medical improvement (MMI).

¶ 7 The parties agree that Mr. Mullenbach is a disabled worker within the meaning of Mont. Code Ann. § 39-71-1011(3).

¶ 8 The parties further agree that Mr. Mullenbach is generally eligible for rehabilitation benefits under Mont. Code Ann. § 39-71-1006.

¶ 9 When rehabilitation benefits consist of additional education, the worker must begin the rehabilitation plan within 78 weeks of reaching MMI. Seventy-eight weeks from December 29, 2025, is June 28, 2027; 78 weeks is 18 months.

¶ 10 Mr. Mullenbach seeks to enroll in the Aviation Maintenance Technology Program at Helena (Community) College University of Montana. The program begins only once each year. Tuition for the Fall 2026 program is due no later than August 14, 2026.

ISSUES PRESENTED

1. Whether an emergency hearing is appropriate under Workers' Compensation Court Rule 311.

2. Whether Mr. Mullenbach is entitled to the requested emergency relief.

APPLICABLE LAW

¶ 11 Emergency hearings are governed by Workers' Compensation Court (WCC) Rule 311, which provides:

> (1) The petitioner shall indicate any request for emergency trial in the title of the petition, and explain the facts constituting the emergency in the petition. The court may hold a trial upon less than 75 days' notice if the petitioner demonstrates good cause. The court designates these trials "emergency trials." The petitioner shall set forth facts constituting the emergency in sufficient detail for the court to determine whether an emergency exists. The petitioner shall also set forth a statement indicating the petitioner is ready to proceed to trial. If the petitioner does not demonstrate good cause for the emergency setting in the petition, the court sets the trial on its regular trial calendar. The court may find that an emergency exists if the petitioner demonstrates:
>
> (a) the potential for irreversible or serious harm resulting from inability to obtain medical care or medications;
>
> (b) undue financial hardship constituting an inability to obtain the necessities of life such as food, shelter, clothing, or transportation; or
>
> (c) other facts establishing an emergency.

Mont. Code Ann. 39-71-1006 Rehabilitation benefits.

¶ 12 Rehabilitation benefits are governed by Mont. Code Ann. § 39-71-1006, which provides in relevant part:

> (1) A worker is eligible for rehabilitation benefits if:
>
> (a)(i) the worker meets the definition of a disabled worker provided in [§] 39-71-1011;
>
> . . .
>
> (b) a rehabilitation provider, as designated by the insurer, certifies that the worker has reasonable vocational goals and reasonable reemployment opportunity. . . . [and]
>
> (c) a rehabilitation plan is agreed upon by the worker and the insurer and a written copy of the plan is provided to the worker. The plan must take into consideration the worker's age, education, training, work history, residual physical capacities, and vocational interests. The plan must specify a beginning date and a completion date. The plan must specify the costs of tuition, fees, books, and other reasonable and necessary retraining expenses required to complete the plan.
>
> . . .
>
> (6) To be eligible for benefits under this section, a worker is required to begin the rehabilitation plan within 78 weeks of reaching maximum medical healing.

ANALYSIS

Issue One: Prerequisites Supporting Consideration of an Emergency Hearing.

¶ 13 Mr. Mullenbach does not allege an inability to obtain medical care or medications, nor does Mr. Mullenbach contend that he is unable to obtain the necessities of life. Instead, Mr. Mullenbach relies upon WCC Rule 311(1)(c), asserting that other facts establish an emergency.

¶ 14 Mr. Mullenbach argues that unless tuition is paid by August 14, 2026, he will be unable to begin the Aviation Maintenance Technology Program in 2026. Because the program is offered only once each year, Mr. Mullenbach contends that waiting until the 2027 program would place him beyond the statutory deadline for commencing rehabilitation benefits under Mont. Code Ann. § 39-71-1006(6).

¶ 15 The Court concludes that these facts are sufficient to warrant further consideration of Mr. Mullenbach's request for an emergency hearing.

Issue Two: Is Mr. Mullenbach Entitled to the Requested Relief?

¶ 16 MSF argues that the proposed rehabilitation plan has not been approved by the certified rehabilitation counselor (CRC), as required by statute. MSF contends that, absent an approved rehabilitation plan, Mr. Mullenbach is not entitled to rehabilitation benefits under the plain language of Mont. Code Ann. § 39-71-1006.

¶ 17 MSF further argues that Dr. Schumpert concluded Mr. Mullenbach is physically incapable of performing the duties required by the proposed occupation. Because the statute requires that a rehabilitation plan take into account the worker's residual physical capacities, MSF argues that the proposed plan cannot be approved where the only medical opinion concludes that the proposed occupation exceeds Mr. Mullenbach's physical capabilities.

¶ 18 Mr. Mullenbach argues that both the physician's opinion and the CRC's recommendation rest upon conclusions regarding Mr. Mullenbach's physical abilities. Mr. Mullenbach asserts that if those conclusions were rejected following an evidentiary hearing, the proposed rehabilitation plan could become viable.

¶ 19 However, Mr. Mullenbach has identified no medical opinion contradicting Dr. Schumpert's conclusions. Mr. Mullenbach has identified no witness or evidence challenging the CRC's determination. Likewise, Mr. Mullenbach has identified no witness or evidence establishing that the physical demands of the proposed occupation fall within Mr. Mullenbach's medical restrictions.

¶ 20 Absent evidence that the medical conclusions are inaccurate, absent evidence that alternative medical opinions would alter the CRC's recommendation, absent evidence demonstrating that the CRC's conclusions are erroneous, and absent testimony or an offer of proof from a witness familiar with the physical requirements of the proposed occupation establishing that Mr. Mullenbach can perform those duties within his restrictions, the Court concludes that an emergency hearing on two weeks' notice is not appropriate.

CONCLUSION

¶ 21 Although Mr. Mullenbach has demonstrated sufficient circumstances to request consideration of an emergency hearing, he has not presented a factually supported basis or viable argument that would support overturning either the medical opinion of Dr. Schumpert or the conclusions reached by the CRC.

¶ 22 Mr. Mullenbach has identified no physician who disputes Dr. Schumpert's opinions. Mr. Mullenbach has identified no witness familiar with the aviation maintenance profession who can testify that the job descriptions relied upon by the physician and the

CRC are inaccurate or that the occupation is compatible with Mr. Mullenbach's physical restrictions.

¶ 23 Accordingly, the Court concludes that not sufficiently developed to justify an emergency hearing.

¶ 24 The Court also notes Mr. Mullenbach's concern that the statutory period contained in Mont. Code Ann. § 39-71-1006(6) could expire before this litigation concludes, thereby rendering Mr. Mullenbach ineligible for rehabilitation benefits. At the hearing, however, the parties stipulated that the statutory period for commencing a rehabilitation program shall be tolled during the pendency of this action.

ORDER

¶ 25 Mr. Mullenbach's request for an emergency hearing is **denied**.

¶ 26 The statutory period contained in Mont. Code Ann. § 39-71-1006(6) requiring commencement of a rehabilitation program is **tolled** during the pendency of this action, pursuant to the parties' stipulation.

DATED this 3rd day of August 2026.

/s/ Lee Bruner
Judge Lee Bruner

c: Lucas A. Wallace
Haocheng Wang

Submitted: July 29, 2026