IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

2000 MTWCC 41A

WCC No. 9911-8346

ARTHUR SCHIMMEL

Petitioner

vs.

UNINSURED EMPLOYERS' FUND

Respondent

JASPER EXPRESS, INCORPORATED

Employer.

JUDGMENT UPON REMAND

¶1 This matter is now ripe for entry of final judgment upon remand from the Montana Supreme Court. In accordance with the decision of that Court, Judgment is hereby entered as follows:

> ¶2 On November 8, 1998, the claimant herein, Arthur Schimmel, was a Montana employee of Jasper Express, Incorporated (Jasper). On that date he was injured in the course and scope of his employment with Jasper.
>
> ¶3 At the time of the claimant's injury, Jasper was not covered by a workers' compensation insurance policy applicable to the claimant's claim. It was therefore an uninsured employer under Montana workers' compensation laws.
>
> ¶4 Accordingly, the Montana Uninsured Employers' Fund is liable for claimant's industrial injuries and shall pay workers' compensation benefits as provided in the Montana Workers' Compensation Act. No determination was requested concerning the specific amounts due claimant, and none is made.
>
> ¶5 Jasper shall indemnify the Montana Uninsured Employers' Fund for all reasonable benefits it pays to and on behalf of claimant.
>
> ¶6 Finally, there being no objection to the application for costs filed by claimant, costs are awarded to claimant in the sum of $952.75, which shall be paid by the

Uninsured Employers' Fund, said amount subject to the Fund's right to indemnification from Jasper as provided in the previous paragraph.

DATED in Helena, Montana, this 24th day of June, 2002

(SEAL)

\s\ Mike McCarter
JUDGE

c: Mr. Norman H. Grosfield
Mr. Kevin Braun
Mr. Lon Jasper
Submitted: June 12, 2002