



WESTERN ENERGY COMPANY

A Westmoreland Mining LLC Company

P.O. BOX 99 • COLSTRIP, MT 59323

(406) 748-5100

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC NO. 2000-0222

ROBERT FLYNN

Petitioner

vs.

MONTANA STATE FUND

Respondent/Insurer.

FILED

JUN 21 2005

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

WESTERN ENERGY COMPANY'S RESPONSE TO SUMMONS

Western Energy Company ("WECO") has received the Summons and Notice of Attorney Fee Lien dated May 4, 2005. WECO was self-insured for workers' compensation coverage in the State of Montana from October 1, 1984 through January 14, 1990. WECO has arranged to have its pertinent files reviewed by an outside law firm in order to respond to the Summons. That firm has found no indication that any employee of WECO had his/her workers' compensation benefits reduced due to receipt of social security disability benefits, pursuant to §39-71-701 or 702 MCA, during the time when WECO was self-insured. A copy of the law firm's letter reporting its findings is attached.

From our reading of the Summons and Notice, it is our understanding that nothing further is required from us in this matter. If we are in error, please let us know.

Respectfully submitted this 20th day of June, 2005.

Marvin Kron Jr.
Rosebud Mine Safety Manager
Western Energy Company

DOCKET ITEM NO. 272



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June 17, 2005

Marvin Kron
Western Energy Co.
PO Box 99
Colstrip, MT 59323

Re: Flynn v. Montana State Fund
WCC No. 2000-0222
JK File No.: 70224/313

Dear Marvin:

We have completed our review of the workers' compensation files that you sent us in connection with the Summons and Notice of Attorneys' Lien in the above-captioned matter.

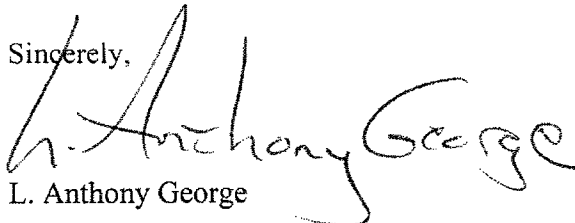
At our request, you sent us the files of all employees of Western Energy Company ("WECO") who received workers' compensation benefits while WECO was self-insured for workers' compensation (i.e. from 10/1/84 to 1/14/90 inclusive). We have reviewed those files to determine whether any of those claimants had their workers' compensation benefits reduced during that period, pursuant to 39-71-701 or 39-71-702, MCA, because they had also received social security disability benefits.

We did not find any indication in the files that any of these claimants had their benefits reduced due to receipt of social security disability benefits.

We believe that this answers your question and constitutes a complete response to the Summons.

Should you have further questions about his matter, please let us know.

Sincerely,


L. Anthony George

LAG/jak