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March 7, 2005

Honorable Mike McCarter
Workers' Compensation Court
P.O. Box 537
Helena, MT 59624-0537

Re: *Rausch v. State Fund*
WCC No. 9907-8274R1

FILED

MAR - 8 2005

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

Dear Judge McCarter:

In response to your request of March 2, 2005, we would like to inform you that the State Fund and the *Rausch* attorneys used the PPD rate in calculating the additional impairment award entitlement owed to the common fund claimants. The State Fund anticipates explaining the appropriateness of this approach through its *amicus* brief in *Asarco, Inc. v. Foster*, WCC No. 2004-1120.

If you have additional questions or concerns, please do not hesitate to contact us.

Very truly yours,

GARLINGTON, LOHN & ROBINSON, PLLP

By


Bradley J. Luck

TJH:lcd

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