

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

2006 MTWCC 2

WCC No. 2004-1135

KAREN LANZ,

Petitioner

vs.

LIBERTY NORTHWEST INSURANCE CORPORATION

Respondent/Insurer

and

BOZEMAN DEACONESS HEALTH SERVICES

Employer.

ORDER DENYING MOTION FOR RECONSIDERATION

Summary: Following this Court's Order dismissing Bozeman Deaconess Health Services, Petitioner filed a motion for rehearing.

Held: The motion for reconsideration is denied. ARM 24.5.337 states that a motion for reconsideration "shall" be filed within twenty days from service of the Order for which reconsideration is sought. In this case, Petitioner's motion was filed eleven days after the time by which her motion was required to be filed.

¶1 Petitioner, Karen Lanz, moves this Court for reconsideration¹ of its decision to dismiss Bozeman Deaconess Health Services. On August 3, 2005, this Court served the parties to this case with a decision and judgment dismissing Bozeman Deaconess Health Services. On September 6, 2005, Petitioner filed a motion for reconsideration of the Court's decision.

¹ Petitioner styles her motion as a "Motion for Rehearing." However, since there is no provision within the Rules of the Workers' Compensation Court for a motion for "rehearing," the Court treats Petitioner's motion as a motion for reconsideration pursuant to ARM 24.5.337.

¶2 Rule 24.5.337(1) of the Rules of the Workers' Compensation Court provides:

Any party may move for reconsideration of any order or decision of the workers' compensation court. The motion shall be filed within 20 days after the order or decision is served. The opposing party shall have 10 days thereafter to respond unless the court orders an earlier response. Upon receipt of the response, or the expiration of the time for such response, the motion will be deemed submitted for decision unless the court requests oral argument.

¶3 Petitioner's motion for rehearing was due by August 26, 2005.² It was filed on September 6, 2005. Therefore, the motion is time-barred. Since Petitioner's motion was untimely, the Court does not reach the merits of Petitioner's motion.

ORDER

¶4 Petitioner's motion for reconsideration is **DENIED**.

DATED in Helena, Montana, this 13th day of January, 2006.

(SEAL)

/s/ James Jeremiah Shea
JUDGE

c: Mr. Geoffrey C. Angel
Mr. Larry W. Jones
Ms. Lisa A. Levert
Submitted September 19, 2005

² Pursuant to ARM 24.5.303(3), three days are added to the prescribed period set forth in ARM 24.5.337(1).