

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

1995 MTWCC 44

WCC No. 9502-7242

IN THE MATTER OF
JOAN REEVES

Petitioner

vs.

LIBERTY MUTUAL FIRE INSURANCE CO.

Respondent.

Affirmed Reeves v. Liberty Mutual Fire Ins. Co., 275 Mont. 152 (1996) (No. 95-317)

JUDGMENT

Summary: After suffering a back injury while working for United Parcel Service, petitioner sought rehabilitation benefits to pursue a masters degree in counseling.

Held: Where the Court was not persuaded that claimant could successfully set up a private counseling practice, and she expressed distaste for working with the populations that would likely be involved in agency work, her request for rehabilitation benefits to pursue a master's degree in counseling is not a reasonable plan requiring the insurer to pay rehabilitation benefits.

Topics:

Constitutions, Statutes, Regulations and Rules: Montana Code Annotated: section 39-71-2001(1), MCA (1993). Where the Court was not persuaded that claimant could successfully set up a private counseling practice, and she expressed distaste for working with the populations that would likely be involved in agency work, her request for rehabilitation benefits to pursue a master's degree in counseling is not a reasonable plan requiring the insurer to pay rehabilitation benefits. **Affirmed** in *Reeves v. Liberty Mutual Fire Ins. Co., 275 Mont. 152 (1996) (No. 95-317)*.

Benefits: Rehabilitation Benefits: Rehabilitation Plans. Where the Court was not persuaded that claimant could successfully set up a private counseling practice, and she expressed distaste for working with the populations that would likely be involved in agency work, her request for rehabilitation benefits to pursue a master's degree in counseling is not a reasonable plan requiring the insurer to pay rehabilitation benefits. **Affirmed** in *Reeves v. Liberty Mutual Fire Ins. Co.*, 275 Mont. 152 (1996) (No. 95-317).

This matter came on for trial on Wednesday, May 31, 1995, in Butte, Montana. Petitioner, Joan Reeves, was present and represented by Mr. Michael P. Sand. Respondent was represented by Mr. Larry W. Jones.

Exhibits 1 through 10 and 12 were admitted by agreement of the parties. There was no Exhibit 11. Depositions of Joan Reeves and Susan Kern were submitted to the Court for its consideration and were read by the Court. Joan Reeves and Susan Kern testified.

At the close of evidence, the Court heard argument from counsel and then entered a bench ruling denying petitioner's request for rehabilitation benefits while she pursues a masters degree. The Court made oral findings of fact and conclusions of law. The parties agreed that a transcript of the Court's bench ruling will constitute its findings of fact and conclusions and that the transcript shall be attached to the final judgment in this matter. The Court further informed the parties that judgment would not be final and appealable until it is reduced to writing.

THEREFORE, in accordance with the Court's bench ruling, the following judgment is entered:

1. The petitioner's request for rehabilitation benefits to permit her to pursue a masters degree is **denied** and her petition is **dismissed**.
2. The transcript of the Court's bench ruling, a copy of which is attached to this judgment, shall constitute the Court's findings of fact and conclusions of law.
3. The parties are responsible for their own respective attorney fees and costs.
4. The JUDGMENT herein is certified as final for purposes of appeal pursuant to ARM 24.5.348.
5. Any party to this dispute may have twenty (20) days in which to request a rehearing from this Judgment.

Dated in Helena, Montana, this 9th day of June, 1995.

(SEAL)

/s/ Mike McCarter
JUDGE

c: Mr. Michael P. Sand
Mr. Larry W. Jones
Attached partial transcript of proceedings