BOISE, MONDAY, NOVEMBER 9, 2026, AT 8:45 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

JOHN K. EDMISTON,	)	
	)	
Claimant-Appellant,	)	**Docket No. 53227**
	)	
v.	)	
	)	
INTERMOUNTAIN GAS CO., Employer; and LIBERTY INSURANCE CORP., Surety,	)	
	)	
Defendants-Respondents.	)	
	)	

Appeal from the Idaho Industrial Commission.

Monroe Law Office, Boise, for Appellant.

Anderson Julian & Hull, LLP, Boise, for Respondents.

John K. Edmiston appeals a decision by the Idaho Industrial Commission (the "Commission"), which denied his worker's compensation claims for two separate industrial accidents. Edmiston was employed with Intermountain Gas Company ("Intermountain") but had recurring back pain from an earlier industrial accident unrelated to his current employer. He had been receiving medical treatment for his condition with Dr. Paul Montalbano and had an MRI of his spine in June 2022 as part of that ongoing treatment.

However, on July 26, 2022, Edmiston claimed he experienced a new work injury while lifting a pipe tray from his work vehicle, worsening his symptoms. Edmiston sought treatment with Dr. Montalbano on August 23, 2022, who ordered an MRI to be taken on September 7, 2022. During his appointment, Dr. Montalbano noted that Edmiston said his symptoms worsened "while working." Edmiston also testified that he reported this injury to an individual at work within days but had not yet provided Intermountain written notice as required under Idaho Code sections 72-701 and 72-702 for worker's compensation claims.

On September 12, 2022, Edmiston again experienced a sudden onset of increased symptoms causing him to collapse while digging to repair a gas line at work. Edmiston contacted one of his supervisors who called for an ambulance and Edmiston was taken to the emergency room. Another MRI was taken of Edmiston's spine on September 13, 2022. Edmiston subsequently had emergent surgery. Edmiston then submitted written notice of both injuries to Intermountain on September 27, 2022. Intermountain's worker's compensation insurance carrier, Liberty Northwest Insurance Company ("Liberty") denied Edmiston's claim. Edmiston then filed a claim with the Commission.

The Commission denied Edmiston's claim, concluding that it was barred by Idaho Code section 72-701 because he failed to provide notice of his July 26 injury within the required 60

days, and the lack of notice was not excused under section 72-704 because it prejudiced Intermountain. It additionally found that Edmiston had failed to prove the September 12 incident aggravated his pre-existing condition because both medical expert witnesses (including Dr. Montalbano), lacked the necessary foundation to opine on causation.

On appeal, Edmiston argues the Commission's findings were not supported by substantial and competent evidence because Dr. Montalbano's note that Edmiston's symptoms worsened on August 1 provided sufficient notice of his injury to Intermountain; the injuries constituted new injuries, not aggravation of a preexisting condition; and Dr. Montalbano's opinion had foundation.