

## ISSUE INDEX

*The Issue Index is arranged alphabetically. The issue headings appear on the left margin underlined and in bold. Below each heading you will find short, descriptive summaries of the Commission's rationale and holdings. Each summary, in turn, is followed by a citation to the applicable Commission decision.*

***NOTE: The summaries are not law. Please refer to the official Commission decisions for the actual text, rationale, and holdings.***

### **Credibility of Witnesses**

This Commission has previously held that credibility issues are within the province of the hearing officer.

*Horne v. Idaho State University*, IPC No. 00-12 (Decision and Order on Petition for Review, September 10, 2001)

Where credibility of witnesses is an issue, the Commission will usually rely on the determination of the hearing officer who was in a position to judge the credibility and relative credibility of the witnesses.

*Horne v. Idaho State University*, IPC No. 00-12 (Decision and Order on Petition for Review, September 10, 2001)

But where credibility is crucial and where first-hand exposure to the witnesses may strongly affect the outcome, we think the Commission should not override the hearing officer's impressions unless it makes a cogent explanation of its reasons for doing so.

*Horne v. Idaho State University*, IPC No. 00-12 (Decision and Order on Petition for Review, September 10, 2001)

### **Rule 190 Discipline**

In matters involving Rule 190 discipline, the questions before the Commission are whether the department proved, by a preponderance of the evidence, that the employee was properly subject to discipline, and whether the hearing officer's findings of fact are supported by substantial, competent evidence.

*Horne v. Idaho State University*, IPC No. 00-12 (Decision and Order on Petition for Review, September 10, 2001)

### **Standard and Scope of Review**

When considering a petition for review, the Commission reviews the record of the proceeding below together with any briefs or transcripts submitted by the parties.

*Horne v. Idaho State University*, IPC No. 00-12 (Decision and Order on Petition for Review, September 10, 2001)

Findings of fact made by the hearing officer must be supported by substantial, competent evidence.

*Horne v. Idaho State University*, IPC No. 00-12 (Decision and Order on Petition for Review, September 10, 2001)

The Commission exercises free review over issues of law.

*Horne v. Idaho State University*, IPC No. 00-12 (Decision and Order on Petition for Review, September 10, 2001)

On petition for review, the Commission may “affirm, reverse or modify the decision of the hearing officer, may remand the matter, or may dismiss it for lack of jurisdiction.” Idaho Code § 67-5317(1).

*Horne v. Idaho State University*, IPC No. 00-12 (Decision and Order on Petition for Review, September 10, 2001)

On appeal to the Commission, matters are assigned to a hearing officer who conducts a full evidentiary hearing and may allow motion and discovery practice before entering a decision containing findings of fact and conclusions of law.

*Horne v. Idaho State University*, IPC No. 00-12 (Decision and Order on Petition for Review, September 10, 2001)