

Supreme Court No. 20200025
Dunn County Case No. 2019-CV-00058**North Dakota Workforce Safety and Insurance**
Vs.
Jason E. Tolman**Appellant****Respondent**

To Whom It May Concern:

On this day, November 4, 2020, I disagree with the opinion of the Supreme Court filed 10/21/2020 by Clerk of Supreme Court in the above matter. I request reconsideration of the opinion due to the fact that I was **not** being treated at the time of the injury for the condition in question which is depression and anxiety with a mood stabilizing medication. I was taking Cymbalta at a max dose for the purpose of Chronic Musculoskeletal Pain in my back, proof of which is contained in the file already submitted to this court. Thus, depression was not a pre-existing condition. However, if it were to be seen as a pre-existing condition, as stated in the opinion of this court, N.D.C.C. 65-01-01(10)(b)(7) provides that pre-existing conditions are not compensable "unless the employment substantially accelerates its progression or substantially worsens its severity." There would be no need for any of these proceedings if my condition's progression was not being accelerated. The reason these proceedings were even filed was because a doctor prescribed more medication for anxiety and depression because Cymbalta was not enough. It is not disputed that depression and anxiety has been a symptom resulting from this accident and thus the need for more medication proves that the injury is the cause of the substantial progression of the condition. Therefore, I would ask that the original Supreme Court opinion filed on 10/21/2020 by the Clerk of Supreme Court be reversed and the findings of ALJ Jordheim and District Court Judge Ehlis be **AFFIRMED**.

Jason E. Tolman

CERTIFICATE OF SERVICE**SUPREME COURT NO. 20200025
SUNN COUNTY CASE NO. 2019-CV-00058**

The undersigned certifies that true and correct copies of the Appeal and Request for
Reconsideration letter were mailed, regular mail, on the 6th day of November, 2020 to:

Jacqueline S. Anderson
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Jason Tolman, Respondant