BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

ZECHARIAH SCOTT, Claimant, vs. QUALITY MANUFACTURING CORPORATION, Employer, and EMCASCO INSURANCE COMPANY, Insurance Carrier, Defendants.	:	File No. 5064245 A R B I T R A T I O N D E C I S I O N Head Note Nos.: 1803, 1801.1, 3001

STATEMENT OF THE CASE

The claimant, Zechariah Scott, filed a petition for arbitration and seeks workers' compensation benefits from Quality Manufacturing Corporation, employer, and EMCASCO Insurance Company, insurance carrier. The claimant was represented by Nick Platt. The defendants were represented by Brian Scieszinski.

The matter came on for hearing on June 25, 2019, before deputy workers' compensation commissioner, Joe Walsh, in Des Moines, Iowa. The record in the case consists of Joint Exhibits 1 through 6; Claimant's Exhibits 1 through 11; and Defense Exhibits A through E. The claimant testified under oath at hearing. Nathaniel Cloe was present on behalf of the employer. Debra Hoadley was served as court reporter. The matter was fully submitted on July 29, 2019, after helpful briefing by the parties.

ISSUES

The parties submitted the following stipulations and issues for determination:

The overriding question in this case is what is the claimant's date of injury? The defendants do not dispute that an injury occurred, however, defendants contend the injury manifested at a date after July 1, 2017. The defendants further contend that any alleged injury suffered by claimant did not result any temporary or permanent disability. The claimant seeks temporary partial and/or healing period benefits from March 4,

2018, through August 23, 2018. The defendants deny responsibility for any benefits during this period, however, concede and stipulate that claimant was off work from June 10, 2018, through August 23, 2018. Defendants contend claimant refused suitable work under Iowa Code Section 85.33(3). Claimant seeks industrial disability benefits commencing August 24, 2018. Defendants dispute claimant's entitlement to any permanency, and argue, alternatively, that if claimant is entitled to any permanent partial disability, it should be calculated functionally under Iowa Code section 85.34(2)(n)(2019). Gross wages are disputed, however, it is stipulated that claimant was married with two exemptions. Affirmative defenses have been waived. Claimant seeks medical expenses set forth in Claimant's Exhibit 7. Defendants agreed to pay claimant's independent medical evaluation (IME) expense. The parties have stipulated that claimant was paid five weeks of benefits.

The stipulations set forth in the Hearing Report are accepted and deemed binding and enforceable at this time.

FINDINGS OF FACT

Claimant Zechariah Scott was 33 years old as of the date of hearing. He testified live and under oath. He was an excellent witness. He provided clear, concise answers. He was a good historian. His testimony was highly consistent with other portions of the record. There was nothing about his demeanor which caused the undersigned any concern regarding his truthfulness. I find Mr. Scott to be highly credible.

Mr. Scott is a graduate of Lincoln High School. He joined the United States Army and served active duty between 2009 and 2013. He served in Iraq. Prior to joining the Army, he had worked at Mediacom as an installer and John Deere as a painter. Upon his discharge from the military, he worked in home construction and for an auto parts store, delivering parts. He began working as a painter at Quality Manufacturing in approximately April 2014. The claimant's job description is in the record. (Claimant's Exhibit 9) His earnings are well-documented in the record. (Cl. Ex. 5; Defendants' Ex. B) He worked relatively significant amounts of overtime and received a regular bonus most weeks. (Cl. Ex. 5, page 1; Def. Ex. 3, p. 3)

Mr. Scott worked in the top coat booth most days, which he described as being the most physically demanding area. Painters generally rotated through the different "booths" on the main paintline; the primer booth, the touch-up booth and the topcoat booth. (Transcript, p. 16) Mr. Scott testified that during the week of June 29, 2017, he had a very heavy workload. On or about June 23, 2017, he described the following:

> We were working long hours. About halfway through the day I – my shoulder, my right shoulder, didn't feel right, and by the end of the day I had a numbness and I could – I couldn't lift my hand over shoulder height.

(Tr., p. 18) Mr. Scott continued to work the remainder of the day, and, in fact, for several days thereafter. He testified that he had felt pain similar to this in the same

shoulder approximately a year earlier in 2016, however, the pain resolved after a few days so he never reported it. As a consequence, he wanted to see if his shoulder would recover on its own. (Tr., pp. 19-20) When it did not, he reported the injury to his supervisor. (Tr., p. 20) "I had approached my supervisor and told him that my shoulder was not recovering, that I needed to make a claim out of it. I needed to process a work comp claim." (Tr., p. 20) The claim was processed as a work injury and he was referred for medical treatment.

Jon Yankey, M.D., evaluated Mr. Scott on July 10, 2017.

> Zech Scott is an employee of Quality Manufacturing who presents with right shoulder pain. The patient states that he has worked for three years at Quality Manufacturing as a painter. He states that he uses a spray gun most of his work days. While working in the early hours of 06/23/2017, the patient stated that he developed 'numbness' in his right shoulder, which radiated into the right elbow area. He stated that he did not have pain in his right shoulder or arm at that time. However, by the end of that shift he also noted that he was unable to raise his right arm. He was able to complete his shift that day, which was still in the early morning hours. He stated that he then had the onset of mild pain in his right shoulder towards the end of that same day. With persistence of right shoulder pain on the following day, he states that he was seen at an urgent care clinic on 06/24/2017. He states that he had been unable to go into work that day due to his right shoulder pain and needed a 'doctor's note.' The patient stated that he then went back to his regular duties on 06/26/2017. However, he stated that he again developed right shoulder pain. He states that he was unable to perform his regular job duties that day and informed his employer at that time. He states that he was then placed on light duty by the employer. He reported no significant improvement even on light duty. With persistence of his right shoulder pain, he then came into this office to be evaluated.
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> Currently, the patient reports that he has had persistent pain in his right shoulder. He points to the anterior/lateral aspect of the shoulder as the site of that pain. He states that the pain is deep in the shoulder. He rates the shoulder pain as a 1-2/10 at rest. The pain increases to 5/10 when he lifts his arm. He states that he still has mild 'numbness' in the right shoulder and arm along with the shoulder pain. He states that he has noted 'popping' in his right shoulder at times with certain shoulder motions. He stated that he continues to have good shoulder motion.

(Joint Ex. 1, p. 1) Dr. Yankey diagnosed a shoulder strain and recommended conservative treatment, including medical restrictions, medications, ice packs, exercise and physical therapy.

Mr. Scott underwent physical therapy between July 17, 2017, and August 17, 2017. (Jt. Ex. 6) The therapy, combined with the other treatment modalities, was quite beneficial. On August 23, 2017, Dr. Yankey documented that Mr. Scott was "nearly

asymptomatic" on that date. (Jt. Ex. 1 p. 8) Dr. Yankey confirmed the diagnosis of "shoulder strain" and released Mr. Scott from treatment with no restrictions and no further treatment. He also instructed Mr. Scott to continue his home exercise on a daily basis and use proper body mechanics at all times. (Jt. Ex. 1, p. 8) I find Dr. Yankey made these recommendations in all likelihood because Mr. Scott was not 100 percent healed from the injury.

Mr. Scott testified credibly that when he returned to work following his release, he did not feel his shoulder could perform the most strenuous work in the topcoat booth. "I tried to stay out of there as much as possible." (Tr., p. 23) He estimated that he usually had to do the topcoat booth once per week. The other booths were less painful for his shoulder. (Tr., pp. 23-24) Mr. Scott testified that the injury "flared back up in November" 2017 after he was required to work the topcoat booth for multiple days because a coworker went on vacation. (Tr., pp. 24-25) Mr. Scott also testified credibly that no one from the employer asked him to fill out a new injury report. (Tr., p. 26) All of this testimony is not only credible, it is unrebutted. The defendants argue that the claimant suffered a new, distinct injury in November 2017, and therefore, his claim for benefits should be evaluated under the new law, which is much more restrictive, particularly concerning shoulder injuries. For reasons discussed later in the decision, I reject this argument.

On January 5, 2018, Mr. Scott returned to Dr. Yankey. Dr. Yankey documented that he had been released to full-duty in August and that he worked for a few months with no pain, until November 2017.

> However, the patient states that he developed pain in his right shoulder in early to mid November 2017 when he was placed in a different job in the painting department. He states that this particular job required him to hold a spray gun above shoulder level for extended times and to do repetitive back and forth motions with his arm to spray the paint. The patient states that he developed pain in his right shoulder doing that activity, which became moderate to severe in intensity. He states the pain was much worse when trying to raise his arm above shoulder level and became severe enough that he was unable to raise his arm above shoulder level. However, the patient reports that he has been able to modify his work duties somewhat since then and his right shoulder has improved partially.

(Jt. Ex. 1, p. 11) Dr. Yankey documented that Mr. Scott had been performing his home exercises as recommended and taking medications. He diagnosed "recurrent right shoulder pain" consistent with a strain-type injury. At this time, however, Dr. Yankey recommended an MRI and continued conservative care. (Jt. Ex. 1, pp. 11-12)

An MR arthrogram subsequently revealed a partial biceps tear. (Jt. Ex. 1, p. 12; Jt. Ex. 2, p. 3; Jt. Ex. 5) Surgery was performed by Steven A. Aviles, M.D., on February 23, 2018. The surgery was described as a "subacromial decompression, glenohumeral debridement." (Jt. Ex. 4) He underwent physical therapy again. At his last physical

therapy appointment, it is documented that he was still having difficulty with heavy lifting. (Jt. Ex. 6, p. 32) He returned to work on May 9, 2018, without any medical restrictions. He was returned to the job of brake press operator, not painting. (Jt. Ex. 6, p. 32) The physical therapy assessment performed did not assess his ability to work at or above shoulder height, overhead reaching or forward sustained reaching. (Jt. Ex. 6, p. 32) Dr. Aviles officially released him on May 14, 2018. (Jt. Ex. 2, p. 18)

Shortly after returning to work, Mr. Scott quit employment with Quality Manufacturing effective June 5, 2018. He testified he did not believe the employer was concerned with his safety. He next accepted employment as an electrician earning $15 per hour. (Cl. Ex. 3, p. 3) This represented a pay cut for Mr. Scott. Just prior to hearing, he accepted employment with Trillium, a temporary construction agency. His pay is dependent upon the customer-employer. (Tr., pp. 32-33)

Dr. Aviles provided a permanent whole body impairment rating of 1 percent, which he appears to relate to the June 2017, work injury. (Cl. Ex. 2) Mr. Scott testified that Dr. Aviles advised him to look for another line of work. (Tr., p. 76) While Dr. Aviles did not document this, I find Mr. Scott's testimony believable. John Kuhnlein, D.O, examined Mr. Scott and assigned a 2 percent whole body rating, and recommended restrictions of lifting no more than 30 pounds occasionally over the shoulder, 40 pounds floor to waist and 60 pounds waist to shoulder. (Cl. Ex. 1, p. 8) He also advised against "static postures" with the right shoulder in internal rotation. (Cl. Ex. 1, p. 8) Dr. Kuhnlein opined this impairment was directly related to the June 29, 2017, work injury. (Cl. Ex. 1, p. 7) Dr. Kuhnlein also opined that Mr. Scott did not reach maximum medical improvement until August 23, 2018.

Mr. Scott testified at hearing that he still has difficulties with his shoulder and these are outlined by Dr. Kuhnlein in his report. (Cl. Ex. 1, p. 4)

Joe Hawk, M.D., evaluated claimant for a defense IME in May 2019. He signed a report prepared by defense counsel on letterhead and opined that the June 2017, work injury was temporary. (Def. Ex. A, p. 2) He further opined claimant suffered a new injury "while he was performing a new job involving significant over shoulder work activities" in November 2017. (Def. Ex. A, p. 3) This, however, is not really what happened. Mr. Scott was performing the exact same job in November 2017, that he had been performing in June 2017. The symptoms had improved to some degree because the claimant had temporarily been able to avoid the most strenuous work on the paint line when returning to work from his June 2017, work injury. I reject the opinions of Dr. Hawk.

I find that Mr. Scott suffered an injury which arose out of and in the course of his employment on June 29, 2017. I find this injury is a substantial cause of functional disability in his left shoulder which has resulted in a minor to moderate industrial disability. I find that, while the claimant may have suffered a recurrent injury or a flare-up of his June 2017, injury, in November 2017, all the disability that claimant suffered is related back to his original June 2017, work injury.

CONCLUSIONS OF LAW

The first question submitted is whether any temporary or permanent disability has been caused by the June 29, 2017, work injury. The claimant contends claimant suffered a single injury which manifested on June 29, 2017, causing his temporary and permanent disability. The defendants contend claimant suffered a minor injury on June 29, 2017, from which he fully healed and that any temporary or permanent disability benefits he incurred would be attributable to a later manifestation date, in November 2017.

The claimant has the burden of proving by a preponderance of the evidence that the alleged injury actually occurred and that it both arose out of and in the course of the employment. Quaker Oats Co. v. Ciha, 552 N.W.2d 143 (Iowa 1996); Miedema v. Dial Corp., 551 N.W.2d 309 (Iowa 1996). The words "arising out of" referred to the cause or source of the injury. The words "in the course of" refer to the time, place, and circumstances of the injury. 2800 Corp. v. Fernandez, 528 N.W.2d 124 (Iowa 1995). An injury arises out of the employment when a causal relationship exists between the injury and the employment. Miedema, 551 N.W.2d 309. The injury must be a rational consequence of a hazard connected with the employment and not merely incidental to the employment. Koehler Electric v. Wills, 608 N.W.2d 1 (Iowa 2000); Miedema, 551 N.W.2d 309. An injury occurs "in the course of" employment when it happens within a period of employment at a place where the employee reasonably may be when performing employment duties and while the employee is fulfilling those duties or doing an activity incidental to them. Ciha, 552 N.W.2d 143.

The claimant has the burden of proving by a preponderance of the evidence that the injury is a proximate cause of the disability on which the claim is based. A cause is proximate if it is a substantial factor in bringing about the result; it need not be the only cause. A preponderance of the evidence exists when the causal connection is probable rather than merely possible. George A. Hormel & Co. v. Jordan, 569 N.W.2d 148 (Iowa 1997); Frye v. Smith-Doyle Contractors, 569 N.W.2d 154 (Iowa App. 1997); Sanchez v. Blue Bird Midwest, 554 N.W.2d 283 (Iowa App. 1996).

The question of causal connection is essentially within the domain of expert testimony. The expert medical evidence must be considered with all other evidence introduced bearing on the causal connection between the injury and the disability. Supportive lay testimony may be used to buttress the expert testimony and, therefore, is also relevant and material to the causation question. The weight to be given to an expert opinion is determined by the finder of fact and may be affected by the accuracy of the facts the expert relied upon as well as other surrounding circumstances. The expert opinion may be accepted or rejected, in whole or in part. St. Luke's Hosp. v. Gray, 604 N.W.2d 646 (Iowa 2000); IBP, Inc. v. Harpole, 621 N.W.2d 410 (Iowa 2001); Dunlavey v. Economy Fire and Cas. Co., 526 N.W.2d 845 (Iowa 1995). Miller v. Lauridsen Foods, Inc., 525 N.W.2d 417 (Iowa 1994). Unrebutted expert medical testimony cannot be summarily rejected. Poula v. Siouxland Wall & Ceiling, Inc., 516 N.W.2d 910 (Iowa App. 1994).

When the injury develops gradually over time, the cumulative injury rule applies. The date of injury for cumulative injury purposes is the date on which the disability manifests. Manifestation is best characterized as that date on which both the fact of injury and the causal relationship of the injury to the claimant's employment would be plainly apparent to a reasonable person. The date of manifestation inherently is a fact based determination. The fact-finder is entitled to substantial latitude in making this determination and may consider a variety of factors, none of which is necessarily dispositive in establishing a manifestation date. Among others, the factors may include missing work when the condition prevents performing the job, or receiving significant medical care for the condition. For time limitation purposes, the discovery rule then becomes pertinent so the statute of limitations does not begin to run until the employee, as a reasonable person, knows or should know, that the cumulative injury condition is serious enough to have a permanent, adverse impact on his or her employment. Herrera v. IBP, Inc., 633 N.W.2d 284 (Iowa 2001); Oscar Mayer Foods Corp. v. Tasler, 483 N.W.2d 824 (Iowa 1992); McKeever Custom Cabinets v. Smith, 379 N.W.2d 368 (Iowa 1985).

Having found that the appropriate manifestation date for this injury was June 29, 2017, I find that this date is the correct date of injury. The fact that claimant's shoulder condition was improved (but not completely healed) for a period of time in 2017, does not convince me to alter the June 29, 2017 manifestation date, or that claimant suffered a new intervening or supervening work injury.

The defendants argue that the appropriate injury date is the claimant's first day of lost work, which was February 23, 2018, the date of his surgery. From a legal standpoint, I am somewhat sympathetic to this logic. The manifestation of an injury is ordinarily an objective date, such as the date of treatment or the first day of lost work. McKeever Custom Cabinets v. Smith, 379 N.W.2d 368 (Iowa 1985). The record, however, clearly documents that the claimant missed work in June 2017. "With persistence of the right shoulder pain on the following day, he states that he was seen at an urgent care clinic on 06/24/2017. He states that he had been unable to go into work that day due to his right shoulder pain and needed a 'doctor's note.' The patient stated that he then went back to his regular duties on 06/26/2017." (Jt. Ex. 1, p. 1)

The claimant testified credibly that he was able to work on the paint line when he initially returned to work from his June 2017, work injury, however, he was not required to rotate into the most difficult and strenuous portion of that job until November 2017. When that occurred the injury flared up again and worsened, but it is clear from this record that the injury had already manifested. The claimant was never required to fill out a new injury report and the employer apparently never processed a new injury claim. Prior to the hearing, the defendants had never raised the defense that a new injury had occurred in their discovery answers. (Cl. Ex. 4, p. 2) Of course, the employer would be responsible for processing a new injury claim and paying benefits, if in fact, the injury manifested at a later date. Both Dr. Aviles and Dr. Kuhnlein attributed the permanent functional disability to the June 2017, work injury. The claimant's work activities after June 2017, may have worsened claimant's functional disability to some

degree, however, the only expert medical evidence of a different manifestation date is unconvincing.

The next issue is claimant's gross wages prior to the injury.

Section 85.36 states the basis of compensation is the weekly earnings of the employee at the time of the injury. The section defines weekly earnings as the gross salary, wages, or earnings to which an employee would have been entitled had the employee worked the customary hours for the full pay period in which the employee was injured as the employer regularly required for the work or employment. The various subsections of section 85.36 set forth methods of computing weekly earnings depending upon the type of earnings and employment.

If the employee is paid on a daily or hourly basis or by output, weekly earnings are computed by dividing by 13 the earnings over the 13-week period immediately preceding the injury. Any week that does not fairly reflect the employee's customary earnings is excluded, however. Section 85.36(6).

The difference between the gross wage calculations submitted by the parties appears to be that defendants excluded a regular bonus the claimant earned. I find the bonus should be included, therefore, his gross weekly wages prior to the injury were $1,059.04 per week. The parties have stipulated claimant was married and entitled to two exemptions.

The next issue is whether claimant is entitled to any temporary disability benefits.

Section 85.34(1) provides that healing period benefits are payable to an injured worker who has suffered permanent partial disability until (1) the worker has returned to work; (2) the worker is medically capable of returning to substantially similar employment; or (3) the worker has achieved maximum medical recovery. The healing period can be considered the period during which there is a reasonable expectation of improvement of the disabling condition. See Armstrong Tire & Rubber Co. v. Kubli, 312 N.W.2d 60 (Iowa App. 1981). Healing period benefits can be interrupted or intermittent. Teel v. McCord, 394 N.W.2d 405 (Iowa 1986).

An employee is entitled to appropriate temporary partial disability benefits during those periods in which the employee is temporarily, partially disabled. An employee is temporarily, partially disabled when the employee is not capable medically of returning to employment substantially similar to the employment in which the employee was engaged at the time of the injury, but is able to perform other work consistent with the employee's disability. Temporary partial benefits are not payable upon termination of temporary disability, healing period, or permanent partial disability simply because the employee is not able to secure work paying weekly earnings equal to the employee's weekly earnings at the time of the injury. Section 85.33(2)

If an employee is entitled to temporary partial benefits under subsection 3 of this section, the employer for whom the employee was working at the time of injury shall pay to the employee weekly compensation benefits, as provided in section 85.32, for and during the period of temporary partial disability. The temporary partial benefit shall be sixty-six and two-thirds percent of the difference between the employee's weekly earnings at the time of injury, computed in compliance with section 85.36, and the employee's actual gross weekly income from employment during the period of temporary partial disability. If at the time of injury an employee is paid on the basis of the output of the employee, with a minimum guarantee pursuant to a written employment agreement, the minimum guarantee shall be used as the employee's weekly earnings at the time of injury. However, the weekly compensation benefits shall not exceed the payments to which the employee would be entitled under section 85.36 or section 85.37, or under subsection 1 of this section. Section 85.33(4).

Claimant contends he is entitled to temporary partial disability or healing period benefits from March 4, 2018, through August 23, 2018. The defendants concede claimant was off work from June 10, 2018, to August 23, 2018.

I find that claimant was released to full-duty work on May 14, 2018. He quit employment for the employer on June 5, 2018. He may have continued to improve some after May 14, 2018, however, having reviewed all of the evidence, I adopt Dr. Aviles's opinion that he reached maximum medical improvement on May 14, 2018. All temporary benefits cease as of that date.

The claimant is owed temporary partial disability benefits for nine weeks from the date he returned to work in March 2018, through the date he reached maximum medical improvement on May 14, 2018. During this period of time, he was under medical restrictions and he was not working in substantially similar employment. Temporary partial disability is calculated by taking two-thirds of the difference between claimant's pre-injury average weekly wages and his light-duty weekly wages.

The next issue is permanent partial disability. Since I have found that the claimant's disability is to his shoulder and manifested prior to the law change, his disability shall be calculated by assessing his loss of earning capacity.

Since claimant has an impairment to the body as a whole, an industrial disability has been sustained. Industrial disability was defined in Diederich v. Tri-City R. Co., 219 Iowa 587, 258 N.W. 899 (1935) as follows: "It is therefore plain that the legislature intended the term 'disability' to mean 'industrial disability' or loss of earning capacity and not a mere 'functional disability' to be computed in terms of percentages of the total physical and mental ability of a normal man."

Functional impairment is an element to be considered in determining industrial disability which is the reduction of earning capacity, but consideration must also be given to the injured employee's age, education, qualifications, experience, motivation, loss of earnings, severity and situs of the injury, work restrictions, inability to engage in

employment for which the employee is fitted and the employer's offer of work or failure to so offer. McSpadden v. Big Ben Coal Co., 288 N.W.2d 181 (Iowa 1980); Olson v. Goodyear Service Stores, 255 Iowa 1112, 125 N.W.2d 251 (1963); Barton v. Nevada Poultry Co., 253 Iowa 285, 110 N.W.2d 660 (1961).

Compensation for permanent partial disability shall begin at the termination of the healing period. Compensation shall be paid in relation to 500 weeks as the disability bears to the body as a whole. Section 85.34.

Having reviewed all of the appropriate factors of industrial disability, I find that claimant has suffered a 20 percent loss of earning capacity. Mr. Scott is quite young and employable. His shoulder impairment, however, has a minor impact on his ability to earn wages in the competitive job market. I find that Dr. Kuhnlein's common sense restrictions are reasonable. Mr. Scott is undoubtedly unable to return to industrial painting type work as a result of the injury. While he has other skills, he will undoubtedly be unable to perform heavy overhead work which unnaturally shrinks his range of potential job opportunities. It is unknown whether he will be able to succeed in his desire to break into higher paying jobs as a journeyman electrician. It would be speculative to assume that he will. The claimant provided an excellent description of his functional abilities to Dr. Kuhnlein. Since the claimant's industrial disability is 20 percent, he is entitled to 100 weeks of benefits commencing on May 15, 2018.

The final issue is a small medical bill set forth in Claimant's Exhibit 7.

The employer shall furnish reasonable surgical, medical, dental, osteopathic, chiropractic, podiatric, physical rehabilitation, nursing, ambulance, and hospital services and supplies for all conditions compensable under the workers' compensation law. The employer shall also allow reasonable and necessary transportation expenses incurred for those services. The employer has the right to choose the provider of care, except where the employer has denied liability for the injury. Section 85.27. Holbert v. Townsend Engineering Co., Thirty-second Biennial Report of the Industrial Commissioner 78 (Review-Reopening October 16, 1975).

The defendants are responsible for this medical expense.

ORDER

THEREFORE, IT IS ORDERED

Defendants shall pay the claimant one hundred (100) weeks of permanent partial disability benefits at the rate of six hundred sixty-seven and 91/100 dollars ($667.91) per week commencing May 15, 2018.

Defendants shall pay the claimant temporary partial disability benefits from the date he returned to work through May 14, 2018.

Defendants shall pay accrued weekly benefits in a lump sum.

Defendants shall pay interest on unpaid weekly benefits awarded herein as set forth in Iowa Code section 85.30.

Defendants shall be given credit for the weeks previously paid.

Defendants are responsible for the medical expenses set forth in Claimant's Exhibit 7

Defendants shall file subsequent reports of injury as required by this agency pursuant to rule 876 IAC 3.1(2).

Costs are taxed to defendants.

Signed and filed this 22nd day of May, 2020.

JOSEPH L. WALSH
DEPUTY WORKERS'
COMPENSATION COMMISSIONER

The parties have been served, as follows:

Nick Platt (via WCES)

David Brian Scieszinski (via WCES)

Right to Appeal: This decision shall become final unless you or another interested party appeals within 20 days from the date above, pursuant to rule 876-4.27 (17A, 86) of the Iowa Administrative Code. The notice of appeal must be filed via Workers' Compensation Electronic System (WCES) unless the filing party has been granted permission by the Division of Workers' Compensation to file documents in paper form. If such permission has been granted, the notice of appeal must be filed at the following address: Workers' Compensation Commissioner, Iowa Division of Workers' Compensation, 150 Des Moines Street, Des Moines, Iowa 50309-1836. The notice of appeal must be received by the Division of Workers' Compensation within 20 days from the date of the decision. The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or legal holiday.