

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

FILED

RONALD GINTHER,

File No. 5045328

OCT - 7 2016

Claimant,

A P P E A L

WORKERS' COMPENSATION

vs.

D E C I S I O N

SECOND INJURY FUND OF IOWA,

Head Note No.: 3202

Defendant.

Claimant Ronald Ginther appeals from an arbitration decision filed on January 22, 2015. Defendant Second Injury Fund of Iowa (the Fund) responds to the appeal. The case was heard on November 3, 2014, and it was considered fully submitted in front of the deputy workers' compensation commissioner on November 24, 2014.

The deputy commissioner found claimant failed to carry his burden of proof that he sustained a first qualifying injury which would entitle him to receive benefits from the Fund. The deputy commissioner awarded claimant nothing. The deputy commissioner ordered the parties to pay their own costs of the arbitration proceeding.

Claimant asserts on appeal that the deputy commissioner erred in finding claimant failed to carry his burden of proof that he sustained a first qualifying injury which would entitle him to receive benefits from the Fund. Defendant asserts the deputy commissioner erred in failing to award permanent total disability benefits from the Fund.

The Fund asserts on appeal that the arbitration decision should be affirmed in its entirety.

Those portions of the proposed agency decision pertaining to issues not raised on appeal are adopted as a part of this appeal decision.

Having performed a de novo review of the evidentiary record and the detailed arguments of the parties, I reach the same analysis, findings, and conclusions as those reached by the deputy commissioner.

Pursuant to Iowa Code sections 17A.5 and 86.24, I affirm and adopt as the final agency decision those portions of the proposed arbitration decision filed on January 22, 2015, which relate to the issues properly raised on intra-agency appeal.

I find the deputy commissioner provided sufficient analysis of the issues raised in the arbitration proceeding. I affirm the deputy commissioner's findings of fact and conclusions of law pertaining to those issues. I affirm the deputy commissioner's finding that claimant failed to carry his burden of proof that he sustained a first qualifying injury which would entitle him to receive benefits from the Fund. I affirm the deputy commissioner's finding that claimant is entitled to receive no weekly benefits from the Fund. I affirm the deputy commissioner's findings, conclusions and analysis regarding those issues.

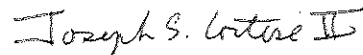
ORDER

IT IS THEREFORE ORDERED that the arbitration decision of January 22, 2015, is affirmed in its entirety.

Claimant shall take nothing in the way of benefits from the Fund in this matter.

Pursuant to rule 876 IAC 4.33, the parties shall pay their own costs of the arbitration proceeding and claimant shall pay the costs of the appeal, including the cost of the hearing transcript.

Signed and filed this 7th day of October, 2016.



JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

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