

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

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MARIA GONZALEZ,	:	File No. 5031375
Claimant,	:	
vs.	:	MEMORANDUM OF DECISION
	:	ON ALTERNATE MEDICAL CARE
ARAMARK FACILITY SERVICES,	:	
Employer,	:	
Defendant.	:	HEAD NOTE NO.: 2701

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An original notice and petition seeking alternate medical care was filed by claimant on December 18, 2009, under administrative rule 876 IAC 4.48. A telephonic hearing on this petition was held on January 6, 2010. All parties were given proper notice and were aware that the undersigned has been delegated final agency decision authority in this proceeding.

The entire hearing was recorded by digital tape. A detailed decision containing findings of fact and conclusions of law was dictated into the record on the date of the hearing. This decision will not be reproduced in typewritten form unless there is an appeal from this decision at which time the procedures under the administrative code are to be followed. Any rights of appeal will run from the date the decision was dictated into the record and this memorandum is solely for the purpose of the agency file.

In the decision, it was ordered that claimant's petition for alternate care was granted. This decision was rendered on January 6, 2010.

The consequence of failing to promptly provide care is the loss of the right to choose the care. West Side Transport v. Cordell, 601 N.W.2d 691 (Iowa 1999). I see no authority for the proposition that somehow defendants regain the right to choose the

care at some later date. Defendants should have considered the consequences of their actions when they chose to ignore their statutory responsibilities. Defendants have lost the right to direct care.

Signed and filed this 6<sup>th</sup> day of January, 2010.

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STAN MCELDERRY  
DEPUTY WORKERS' COMPENSATION  
COMMISSIONER

Copies to:

Philip F. Miller  
Attorney at Law  
808 Ashworth Road  
West Des Moines, IA 50265-3618  
[philmlawoffice@mchsi.com](mailto:philmlawoffice@mchsi.com)

Aramark Facility Services  
2300 Warrenville Road  
Downers Grove, IL 60515

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