

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

SENADA LIBIC,

Claimant,

vs.

TYSON FRESH MEATS, INC.,

Employer,
Self-Insured,
Defendant.

File No. 5048097

A P P E A L

D E C I S I O N

Head Note Nos.: 1402.30; 1402.40;
1803; 2500

FILED

MAR 17 2016

WORKERS' COMPENSATION

Claimant Senada Libic appeals from an arbitration decision filed on December 8, 2014. The case was heard on September 23, 2014, and it was considered fully submitted on October 24, 2014, in front of the deputy workers' compensation commissioner.

The deputy commissioner found that claimant failed to carry her burden of proof that she sustained permanent disability as a result of her work-related injury of March 21, 2012. The Deputy Commissioner found that claimant is not entitled to payment of healing period benefits and payment of requested medical expenses for the injury of March 21, 2012.

Claimant asserts on appeal that the deputy commissioner erred in finding claimant failed to carry her burden of proof that she sustained physical disability as a result of the work-related injury of March 21, 2012. Claimant also asserts that the deputy commissioner erred in finding claimant is not entitled to payment of healing period benefits and payment of requested medical expenses for the injury of March 21, 2012.

Defendant Tyson Fresh Meats, Inc., self-insured employer, asserts on appeal that the arbitration decision should be affirmed in its entirety.

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 86.24 and 17A.5, I affirm and adopt as the final agency decision those portions of the proposed arbitration decision filed on December 8, 2014, which relate to issues properly raised on intra-agency appeal with the following analysis:

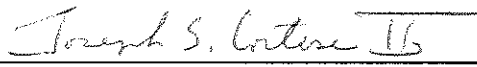
The deputy commissioner provided sufficient analysis of the issues raised in the arbitration proceeding. I affirm the deputy commissioner's findings of fact and conclusions of law pertaining to those issues. I affirm the deputy commissioner's finding that claimant failed to carry her burden of proof that she sustained permanent disability as a result of the injury of March 21, 2012. I affirm the deputy commissioner's finding that claimant is not entitled to payment of healing period benefits and payment of requested medical expenses for the injury of March 21, 2012. I affirm the deputy commissioner's findings, conclusions and analysis regarding those issues.

ORDER

IT IS THEREFORE ORDERED that the arbitration decision of December 8, 2014, is AFFIRMED in its entirety.

1. Claimant shall take nothing from these proceedings.
2. Claimant shall pay the costs of this appeal, including the cost of the hearing transcript, pursuant to rule 876 IAC 4.33.

Signed and filed this 17th day of March, 2016.



JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

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