

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

CHRISTINA GARR-KIME,

Claimant,

vs.

SOUTHERN IOWA ECONOMIC
DEVELOPMENT ASSOCIATION,
Employer,

and

UNITED WISCONSIN INSURANCE
COMPANY,

Insurance Carrier,
Defendants.

File No. 5054972

APPEAL DECISION

Head Note No.: 9998

FILED

APR 25 2019

WORKERS' COMPENSATION

On March 13, 2019, Joseph S. Cortese II, Iowa Workers' Compensation Commissioner, delegated authority to the undersigned to issue the final agency decision on the intra-agency appeal and cross appeal currently pending before this agency.

Pursuant to Iowa Code section 86.24 and 17A.15, I affirm and adopt as the final agency decision those portions of the proposed arbitration decision of November 16, 2017 filed in this matter that relate to issues properly raised on intra-agency appeal and cross appeal without additional comment.

Defendants appeal from the presiding deputy commissioner's finding that the claimant sustained a mental injury arising out of and in the course of employment, in finding that the claimant gave timely notice of the alleged injury, in finding that the injury caused permanent disability, and in finding claimant was entitled to reimbursement of medical expenses and ongoing medical treatment. Following review of the parties' arguments, as well as the record of the case, the assessment of the presiding deputy is affirmed without further analysis.

Claimant has cross-appealed, asserting that the presiding deputy commissioner erred in not awarding penalty benefits. Following review of the parties' arguments, as well as the record of the case, the assessment of the presiding deputy is affirmed without further analysis.

The issues raised by the parties were adequately and correctly addressed in the arbitration decision which is affirmed upon de novo review.

It is concluded that the presiding deputy commissioner's findings are well-reasoned, supported by the greater weight of the evidence, and are affirmed in all respects.

ORDER

IT IS THEREFORE ORDERED that the arbitration decision of November 16, 2017 is AFFIRMED.

Because both the appeal and cross-appeal were unsuccessful, claimant and defendants shall share equally the costs of the appeal, including the costs of preparation of the hearing transcript.

Signed and filed this ____ day of April, 2019.



ERIN Q. PALS
DEPUTY WORKERS'
COMPENSATION COMMISSIONER

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