

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

ZIRKA PLACO,

Claimant,

vs.

OMEGA CABINETRY,

Employer,

and

SPECIALTY RISK SERVICES,

Insurance Carrier,
Defendants.

FILED

FEB 20 2014

WORKERS' COMPENSATION

File No. 5041188

APPEAL

DECISION

Head Note No.: 1801

Claimant, Zirka Placo, appeals from an arbitration decision filed October 2, 2013, in which the presiding deputy commissioner found claimant was entitled to a running award of healing period benefits and medical care for both her ankle and low back conditions. The presiding deputy commissioner issued an expansive, thoughtful, and well-reasoned decision regarding claimant's award of temporary disability benefits. The deputy commissioner denied claimant's request that a penalty be assessed pursuant to Iowa Code section 85.39 based upon a refusal to commence temporary disability benefits. Claimant asserts on appeal that the presiding deputy commissioner erred in refusing to assess a penalty pursuant to Iowa Code section 86.13. Defendants, Omega Cabinetry and Specialty Risk Services, assert that the finding of the presiding deputy commissioner should be affirmed on appeal as there was a good faith basis and excuse for not commencing temporary disability benefits. The arguments of the parties have been considered and the record of evidence has been reviewed de novo.


Pursuant to Iowa Code sections 86.24 and 17A.15, I affirm and adopt as the final agency decision those portions of the proposed arbitration decision filed on October 2, 2013 that relate to issues properly raised on intra-agency appeal without additional comment.

ORDER

IT IS THEREFORE ORDERED that the arbitration decision of October 2, 2013 is AFFIRMED.

Claimant shall pay the costs of the appeal, including the preparation of the hearing transcript.

Signed and filed this 20TH day of February, 2014.



CHRISTOPHER J. GODFREY
WORKERS' COMPENSATION
COMMISSIONER

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