

## BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

---

RANDY SPARKS,

Claimant,

vs.

PREFERRED CARE PARTNERS  
MANAGEMENT GROUP LP d/b/a  
POLK CITY NURSING AND  
REHABILITATION,

Employer,

and

AMERISURE INSURANCE,

Insurance Carrier,

and

SECOND INJURY FUND OF IOWA,

Defendants.

---

File No. 5066410

A P P E A L

D E C I S I O N

Head Notes: 1402.30; 1402.40; 1803;  
2501; 2907; 3202; 5-9998

Claimant Randy Sparks appeals from an arbitration decision filed on March 31, 2020. Defendants Preferred Care Partners Management Group LP d/b/a Polk City Nursing and Rehabilitation, employer, and its Insurer, Amerisure Insurance, and defendant Second Injury Fund of Iowa (the Fund), respond to the appeal. The case was heard on December 16, 2019, and it was considered fully submitted in front of the deputy workers' compensation commissioner on January 13, 2020.

In the arbitration decision, the deputy commissioner found claimant failed to meet his burden of proof to establish he sustained an injury on or about March 2, 2017, that arose out of and in the course of his employment with defendant-employer. That finding rendered moot all other issues raised in this matter, including entitlement to permanent disability benefits, recovery of requested past medical expenses, and entitlement to benefits from the Fund. The deputy commissioner found each party should pay their own costs of the arbitration proceeding.

On appeal, claimant asserts the deputy commissioner erred in finding claimant failed to prove he sustained a work-related injury as alleged. Claimant asserts it should

be found on appeal that he is entitled to receive permanent disability benefits, medical benefits, and benefits from the Fund for his alleged injury. Claimant also asserts it should be found he is entitled to taxation of his costs against defendants employer and insurer.

Defendants employer, insurer, and the Fund assert 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.

I performed a de novo review of the evidentiary record and the detailed arguments of the parties. Pursuant to Iowa Code sections 17A.15 and 86.24, I affirm and adopt as the final agency decision those portions of the proposed arbitration decision filed on March 31, 2020, which relate to the issues properly raised on intra-agency appeal.

I find the deputy commissioner provided a well-reasoned analysis of all 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 prove he sustained a work-related injury as alleged. I affirm the deputy commissioner's finding that because claimant failed to prove causation and compensability, the issues of permanent disability, recovery of requested past medical expenses, and entitlement to benefits from the Fund, are moot. I affirm the deputy commissioner's finding that claimant is not entitled to taxation of his costs against defendants employer and insurer.

I affirm the deputy commissioner's findings, conclusions and analysis regarding the above issues.

#### ORDER

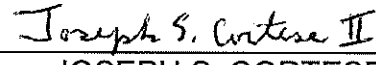
IT IS THEREFORE ORDERED that the arbitration decision filed on March 31, 2020, is affirmed in its entirety.

Claimant shall take nothing from these proceedings.

Pursuant to rule 876 IAC 4.33, claimant and defendants employer and insurer 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.

Pursuant to rule 876 IAC 3.1(2), defendants employer and insurer shall file subsequent reports of injury as required by this agency.

Signed and filed on this 19<sup>th</sup> day of November, 2020.

  
\_\_\_\_\_  
JOSEPH S. CORTESE II  
WORKERS' COMPENSATION  
COMMISSIONER

The parties have been served as follows:

James Neal (via WCES)

Caitlin R. Kilburg (via WCES)

Jonathan Bergman (via WCES)