

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

CHRISTINE KEERAN,

Claimant,

vs.

QUAKER OATS COMPANY,

Employer,

and

INDEMNITY INSURANCE CO. OF
NORTH AMERICA,

Insurance Carrier,

SECOND INJURY FUND OF IOWA,

Defendants.

FILED

FEB 1 2017

WORKERS' COMPENSATION

File No. 5048135

A P P E A L

D E C I S I O N

Head Note No: 1100

Claimant Christine Keeran appeals from an arbitration decision filed on August 12, 2015. Defendants Quaker Oats Company, employer, and its insurer, Indemnity Insurance Co. of North America, and defendant Second Injury Fund of Iowa, respond to the appeal. The case was heard on February 3, 2015, and it was considered fully submitted in front of the deputy workers' compensation commissioner on March 16, 2015.

The deputy commissioner found claimant failed to carry her burden of proof that she sustained cumulative injuries to her lower extremities arising out of and in the course of her employment on September 25, 2012, as alleged. The deputy commissioner awarded claimant nothing.

Because the deputy commissioner found claimant failed to carry her burden of proof on the issues of causation and compensability, the deputy commissioner found all other issues raised by claimant in the arbitration proceeding to be moot and the deputy commissioner did not address those issues, which include the extent of entitlement to temporary total disability/healing period (TTD/HP) benefits, the extent of entitlement to permanent partial disability (PPD) benefits, if any, whether claimant's injury is a scheduled or an unscheduled injury, whether claimant's claim is barred by failure to give timely notice pursuant to Iowa Code section 85.23, whether claimant's claim is barred by the statute of limitations pursuant to Iowa Code section 85.26, whether claimant had qualifying first and second injuries for Second Injury Fund (Fund) liability pursuant to Iowa Code section 85.64, claimant's entitlement to payment of requested past medical

expenses, and claimant's entitlement to alternate medical care. The deputy commissioner also ordered the parties to pay their own costs of the arbitration proceeding.

Claimant asserts on appeal that the deputy commissioner erred in finding claimant failed to carry her burden of proof that she sustained cumulative injuries to her lower extremities arising out of and in the course of her employment on September 25, 2012, as alleged. Claimant asserts the deputy commissioner erred in failing to address the other issues raised in the arbitration proceeding. Claimant also asserts the deputy commissioner erred in failing to order defendants to pay claimant's costs of the arbitration proceeding.

All defendants 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.

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 17A.5 and 86.24, I affirm and adopt as the final agency decision those portions of the proposed arbitration decision filed on August 12, 2015, which relate to the issues properly raised on intra-agency appeal.

I find 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 cumulative injuries to her lower extremities arising out of and in the course of her employment on September 25, 2012, as alleged. I affirm the deputy commissioner's finding that claimant is entitled to take nothing in this matter. Because I affirm the deputy commissioner's finding that claimant failed to carry her burden of proof on the issues of causation and compensability, I affirm the deputy commissioner's finding that it is unnecessary to address the other issues raised in the arbitration proceeding, including the extent of entitlement to TTD/HP benefits, the extent of entitlement to PPD benefits, if any, whether claimant's injury is a scheduled or an unscheduled injury, whether claimant's claim is barred by failure to give timely notice, whether claimant's claim is barred by the statute of limitations, whether claimant had qualifying first and second injuries for Fund liability, claimant's entitlement to payment of requested past medical expenses, and claimant's entitlement to alternate medical care. I also affirm the deputy commissioner's order that the parties pay their own costs of the arbitration proceeding. I affirm the deputy commissioner's findings, conclusions and analysis regarding those issues.

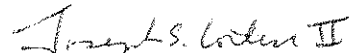
ORDER

IT IS THEREFORE ORDERED that the arbitration decision of August 12, 2015, is affirmed in its entirety.

Claimant shall take nothing in this matter.

Pursuant to rule 876 IAC 4.33, the parties 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.

Signed and filed this 1st day of February, 2017.



JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

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