

## BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

BOUAPHAN SEVERIN,

Claimant,

vs.

SECOND INJURY FUND OF IOWA,

Defendant.

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File No. 1521101.01

A P P E A L

D E C I S I O N

Head Notes: 1402.40; 3202; 5-9998

Claimant Bouaphan Severin appeals from an arbitration decision filed on October 4, 2021. Defendant Second Injury Fund of Iowa (the Fund) responds to the appeal. The case was heard on May 3, 2021, and it was considered fully submitted in front of the deputy workers' compensation commissioner on June 1, 2021.

In the arbitration decision, the deputy commissioner found claimant failed to carry her burden of proof to establish that on or about May 17, 2007, claimant sustained a qualifying first injury for purposes of the Fund. The deputy commissioner found claimant is entitled to receive nothing from the Fund. The deputy commissioner 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 prove she sustained a first qualifying injury, and claimant asserts the deputy commissioner erred in finding claimant is entitled to receive nothing from the Fund.

The Fund asserts on appeal that the arbitration decision should be affirmed in its entirety.

Those portions of the proposed arbitration decision pertaining to issues not raised on appeal are adopted as a part of this appeal decision.

I have performed a de novo review of the evidentiary record and the detailed arguments of the parties, and 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 October 4, 2021, 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 she sustained a qualifying first injury for purposes of the Fund. I affirm the deputy commissioner's finding that claimant is entitled to receive nothing from the Fund. I 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 the above-stated issues.

ORDER

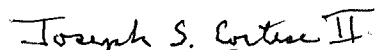
IT IS THEREFORE ORDERED that the arbitration decision filed on October 4, 2021, is affirmed in its entirety.

Claimant shall take nothing from these proceedings in the way of benefits from the Fund.

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.

Pursuant to rule 876 IAC 3.1(2), the Fund shall file subsequent reports of injury as required by this agency.

Signed and filed on this 3<sup>rd</sup> day of February, 2022.



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JOSEPH S. CORTESE II  
WORKERS' COMPENSATION  
COMMISSIONER

The parties have been served as follows:

Thomas Wertz (via WCES)

Meredith Cooney (via WCES)