

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

JAMES HESSENIUS,

Claimant,

vs.

GREAT PLAINS ORTHOTICS &
PROSTHETICS,

Employer,

and

UNITED FIRE & CASUALTY CO.,

Insurance Carrier,
Defendants.

FILED

MAR 23 2017

WORKERS COMPENSATION

File No. 5044228

REVIEW-REOPENING DECISION

AND

DECISION UPON PETITION FOR

PARTIAL COMMUTATION

Head Note Nos.: 2905, 3303.20

STATEMENT OF THE CASE

There are two petitions that are decided via this decision. On June 5, 2015, a deputy workers' compensation commissioner issued an arbitration decision involving this claimant, James Hessenius. The deputy determined claimant was entitled to permanent and total disability benefits from August 24, 2010, through the date of the arbitration hearing and into the future during the period of claimant's continued disability. The deputy awarded the permanent total disability benefits at the rate of one thousand three hundred dollars (\$1,300.00) per week.

On June 26, 2015, defendants filed a petition for review-reopening. Defendants alleged claimant had experienced a change in circumstances requiring a review/reopening. Claimant filed an answer on July 6, 2015. The hearing administrator scheduled the hearing for September 27, 2016 in Des Moines, Iowa.

On January 11, 2016, claimant filed an original notice and petition for partial commutation of benefits. (Original notice and petition) Defendants filed their resistance to the petition for commutation on February 15, 2016. They also requested a hearing. Claimant filed a motion to consolidate the review-reopening petition and the petition for partial commutation. The motion to consolidate was granted by a deputy workers' compensation commissioner on March 9, 2016. Then on September 26, 2016, the undersigned granted defendants' motion to continue due to unforeseen weather circumstances in the Cedar Rapids area.

The consolidated petitions were rescheduled to October 28, 2016. The case was heard at 150 Des Moines Street. Ms. Chris A. Quinlin was appointed as the certified shorthand reporter. She is the official custodian of the records and notes.

Claimant was the sole witness to testify at hearing. The parties offered Joint Exhibits 1 through 27. The exhibits were admitted as evidence in the case.

Post-hearing briefs were filed on November 28, 2016. The case was deemed fully submitted on that date.

STIPULATIONS

The parties completed the designated hearing report. The various stipulations are:

1. There was the existence of an employer-employee relationship at the time of the injury;
2. Claimant sustained an injury on January 25, 2010 which arose out of and in the course of her employment;
3. Temporary benefits are no longer an issue;
4. Claimant was previously awarded permanent and total disability benefits;
5. The parties agree, the weekly benefit rate is \$1,300.00;
6. Claimant has certain medical expenses due but the parties will work out the matter among themselves;
7. Claimant is requesting the cost of an independent medical examination but again the parties will work out the matter among themselves;
8. Prior to the date of the hearing, defendants paid claimant 184.383 weeks of permanent total disability benefits at the rate of \$1,300.00 per week; and
9. The parties agree certain costs that are detailed were paid by claimant.

ISSUES

The issues presented are:

1. Has claimant sustained a change of condition since the arbitration hearing?
2. If so, has claimant's condition changed so that he is no longer permanently and totally disabled?
3. Is claimant entitled to a partial commutation of his benefits?
4. If so, to what extent is claimant allowed to commute his benefits?

This deputy, after listening to the testimony of claimant at hearing, after judging his credibility, and after reading the evidence, and the post-hearing briefs, makes the following findings of fact and conclusions of law:

The party who would suffer loss if an issue were not established has the burden of proving the issue by a preponderance of the evidence. Iowa Rule of Appellate Procedure 6.14(6).

The hearing deputy based his decision of permanent and total disability on the following:

I find that the only services that Mr. Hessenius could reasonably perform at the present time as a result of his left shoulder injury and resulting mental health injuries are so limited in quality, dependability, or quantity that a reasonable [*sic*] stable market for his services does not exist. Considering Mr. Hessenius' age, education, employment history, permanent impairment, permanent restrictions, motivation level, intelligence, as well as all other industrial disability factors outlined by the Iowa Supreme Court, I find that the combination of claimant's left shoulder injury from the January 25, 2010, work injury as well as the resulting mental health injuries wholly disable Mr. Hessenius from performing work that would otherwise be qualified and capable of performing. I find that Mr. Hessenius has proven he is permanently and totally disabled as a result of his January 25, 2010, left shoulder work injury and resulting mental health injuries.

(Arbitration Decision, pages 13-14)

Additionally, the deputy concluded:

In this case, I considered all of the relevant industrial disability factors and found that Mr. Hessenius is wholly disabled and is physically unable to perform work that his experience, training, education, and intelligence would otherwise have allowed him to perform. Having found that there is [*sic*] no realistic jobs available to Mr. Hessenius given the restrictions imposed by Dr. Nepola and Dr. Hotsenpiller, I conclude that claimant has proven he is permanently and totally disabled even if the odd-lot doctrine is not considered.

(Arbitration Decision, p. 19)

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Review-Reopening

Iowa Code section 86.14(2) governs the filing of a review-reopening proceeding. The sub-section provides:

2. In a proceeding to reopen an award for payments or agreement for settlement as provided by section 86.13, inquiry shall be into whether or not the condition of the employee warrants an end to, diminishment of, or increase of compensation so awarded or agreed upon.

The party bringing the petition for review-reopening bears the burden to establish by a preponderance of the evidence there has been a change in condition related to the original injury since the original award was made. Foreman v. Foreman Electric & Hardware, No. 4-217/93-1284, Iowa Court of Appeals, August 4, 1994. The change may be either economic or physical. The premier case is: Blacksmith v. All-American, Inc., 290 N.W.2d, 348 (Iowa 1980). A mere difference of opinion of experts as to the percentage of disability arising from an original injury is not sufficient to justify a different determination on a petition for review-reopening. Bousfield v. Sisters of Mercy, 249 Iowa 64, 86 N.W.2d 109 (1957). A failure of a condition to improve to the extent anticipated originally may also constitute a change of condition. Meyers v. Holiday Inn of Cedar Falls, Iowa, 272 N.W.2d 24 (Iowa App. 1978).

When an expert's opinion is based upon an incomplete history it is not necessarily binding on the commissioner or the court. It is then to be weighed, together with other facts and circumstances, the ultimate conclusion being for the finder of the fact. Musselman v. Central Telephone Company, 154 N.W.2d 128, 133 (Iowa 1967); Bodish v. Fischer, Inc., 257 Iowa 521, 522, 133 N.W.2d 867 (1965).

The weight to be given an expert opinion may be affected by the accuracy of the facts the expert relied upon as well as other surrounding circumstances. St. Luke's Hospital v. Gray, 604 N.W.2d 646 (Iowa 2000).

Expert testimony may be buttressed by supportive lay testimony. Bradshaw v. Iowa Methodist Hospital, 251 Iowa 375, 380; 101 N.W.2d 167, 170 (1960).

The commissioner as trier of fact has the duty to determine the credibility of the witnesses and to weigh the evidence. Together with the other disclosed facts and circumstances, and then to accept or reject the opinion. Dunlavey v. Economy Fire and Casualty Co., 526 N.W.2d 845 (Iowa 1995).

Claimant is now 64 years old. Subsequent to his arbitration hearing, but prior to the issuance of the arbitration decision, claimant participated in an 8 week rehabilitation program at Quality Living, Inc., in Omaha, Nebraska. Claimant attended the program to learn how better to manage his chronic pain. He was able to wean himself off all narcotic pain medications through the multi-disciplinary approach the center provided. Claimant entered the program on March 18, 2015. He was discharged on May 15, 2015. His ongoing needs were assessed as:

Ongoing Needs/Plan. James is discharging from QLI to return to living with his wife. At the time of his discharge, James is not taking any narcotic pain medications. Instead, he is utilizing alternative strategies to manage his pain and discomfort, especially participation in light exercise,

yoga, and occasional massage. He also enjoys socializing with friends and helping others. James has developed positive coping strategies and has utilized his support system well at QLI; of utmost importance will be his ability to transition his mindset, focus, and positive attitude towards continuing on this track upon his return home. James' team at QLI has been helpful in collaborating with James and his wife, Shareen, to develop a schedule/routine to follow at home, making connections with local social groups, and seeking out meaningful volunteer opportunities. It is recommended that he continue to push himself to maximize his opportunity for participation in these activities while balancing spending time with his family and friends.

(Ex. 20, p. 219)

From a psychological point of view, Dustin Logan, summarized claimant's progress at QLI. The psychologist also assessed claimant's ongoing needs. Mr. Logan wrote in the discharge report:

Summary of Progress: Jim met weekly formally and had numerous other informal meetings with members of the psychology team. He was initially provided with education and resources related to chronic pain. He learned and practiced multiple types of relaxation strategies and tools for pain management while he was engaged in his medication taper. Jim then engaged in a process of evidenced-based ACT therapy to help him with overall acceptance of pain, awareness of thinking and emotional connections to pain, and development of active values-based decision-making. Jim demonstrated improved awareness of his activity level, emotional reactivity to pain, and negative thinking patterns. He was consistent with completion of assignments related to understanding what he values and how he has allowed the pain to control his behaviors in ways contrary to his values. He generally increased activity levels and involvement in valued life activities and roles. Jim demonstrated the ability to actively choose valued-directions and can provide explanations for why he is choosing a particular behavior and what it means to him. His mood and cognitive clarity have improved and he described a dramatic decrease in depression symptomatology. Jim has also identified some of the potential barriers for his maintenance of gains that may appear upon discharge.

Ongoing Needs/Plan: It is recommended that Jim continue to engage in values-based activities that support his current level of progress. He was previously working with a therapist who encouraged his participation in the QLI program and Jim plans on returning to meet with that therapist on an as-needed basis.

(Ex. 20, p. 224)

At his review-reopening hearing, claimant testified his pain had improved upon his discharge from QLI. However, as time progressed, claimant took a turn for the worse. He testified during direct examination:

Q. (By Ms. Anderson) It sounds like you made some gains when you were at the program. Have you been able to kind of maintain where you were at when you were discharged?

A. Absolutely not.

Q. What's gone on since?

A. I have cut way back on the driving for Riders' Club. I love to build things. I'm - I get fatigued very, very quickly. When I - - When I get up in the morning, most of the time I'm able to function, but usually by noon things are going downhill.

Q. Has your pain increased since leaving the program?

A. Yes, it has.

Q. Has your function decreased since leaving the program?

A. Yes, it has.

Q. And you were able to wean off the narcotics. Are you still off of narcotic medication?

A. Yes, I am.

Q. Have you had to supplement that with other types of medications and treatments?

A. Yes, I have.

Q. For example, I think you were on Gabapentin at the time of your QLI treatment. Has the dosing changed since leaving?

A. That's increased.

Q. You were on some Voltaren gel for pain at the time. Has the dosing of that changed?

A. Yes, it has. I use it more frequently, and I also use an analgesic to try - - overtop of it to try to push it into the joint.

Q. Have you also now started some Lidocaine patches?

A. Yes, I have.

Q. And have you looked for alternative treatments since leaving?

A. I have tried everything that's available. I – on my own I had an epidural and trigger point injection in January. They gave me a little relief. I had it again in June. I got absolutely no relief.

Q. Have you tried acupuncture.

A. I tried acupuncture.

Q. And massage.

A. Massage, yes.

Q. And I think you're looking for some new types of therapy maybe with laser therapy with chiropractic?

A. There's some high-intensity laser treatments that seem to be working very well for people.

Q. Why do you think things have gone downhill since QLI?

A. The - - The pain and the everyday - - the everyday things that I - - when I was there, I was in a protected environment. I guess that's the easiest way to say it. And out in the everyday life, as it - - well, as an example, I'm a member of the Camaro Club, and we were at a show. And the wind was pretty strong, and it blew a tent into me. Well, my reaction was to throw my arm up at it. And I paid for that for three or four days afterwards, trying to keep it from hitting people.

(Transcript, pp. 18-21)

Despite dealing with his chronic pain, claimant has made some positive changes in his life. He volunteers for a number of not-for-profit organizations. He rides a recumbent bike, gets in and out of his sports cars, attends car shows, and travels with his wife. He was fortunate to take a 12 day trip to Canada too. His activities have positively contributed to the quality of his life.

Mark C. Taylor, M.D., MPH, conducted an independent medical examination prior to the arbitration decision. Dr. Taylor conducted a subsequent examination on May 4, 2016. Then he authored a report that was dated, May 27, 2016. Dr. Taylor discussed claimant's left shoulder condition in 2016. The evaluating physician opined:

As far as the left shoulder, Mr. Hessenius has not had improvements in the underlying condition. He underwent a left shoulder arthroplasty and then had ongoing difficulties that required additional procedures by Dr.

Nepola. His left shoulder pain was severe enough that he was on narcotic pain medications. He was referred to the QLI Program and was successfully weaned from the narcotics. After that point in time, the left shoulder pain slowly worsened with time. As such, it is my opinion that there has been no improvement in the left shoulder condition for which he received treatment as a result of his January 2010 work injury. He was successfully weaned off of the chronic opiates but his left shoulder pain now averages a 6/10, and can reach up to a 10/10.

(Ex. 4, p. 10)

Dr. Taylor also increased the permanent impairment rating he had assessed for the left shoulder. (Ex. 4, pp. 10-11) In May of 2016, Dr. Taylor rated claimant as having a 23 percent permanent impairment to the body as a whole. (Ex. 4, p. 11) The evaluating physician reported there had been no improvement in the restrictions/limitations related to claimant's left shoulder. (Ex. 4, p. 11)

Gregory Hotsenpiller, M.D., claimant's treating psychiatrist, reviewed his January 13, 2015 opinions. Those opinions were detailed in Exhibit 10, page 67. In Exhibit 10, page 68, Dr. Hotsenpiller stated his opinions regarding claimant's mental health limitations remained the same. Dr. Hotsenpiller still held the opinion:

I do not believe Mr. Hessenius is capable of working more than three hours per day or more than four days per week. If Mr. Hessenius were physically capable of returning to work, due to his major depressive disorder it would have to be [sic] low stress job that required minimal effort and minimal concentration.

(Ex. 10, p. 67)

Michael March, Ph.D., is claimant's treating psychologist. He issued his original opinions on October 24, 2014. Those opinions are included in Exhibit 12, page 74. Dr. March reviewed his opinions and discussed them in his report of July 25, 2015. (Ex. 12, p. 75) Dr. March included in his July report:

2. I am aware that Mr. Hessenius completed a multi-disciplinary pain program at QLI in the spring of 2015, where he was taken off all narcotics. I treated him both before and after his treatment there. I am also aware that Mr. Hessenius has begun volunteering in a limited capacity with the CASA program. Although these opportunities have had a positive impact on Mr. Hessenius' mood and cognition, he is still depressed and his diagnosis remains the same. While he is off narcotics, Mr. Hessenius still experiences a significant amount of pain and limitation associated with his left shoulder. Mr. Hessenius' pain and depression continue to affect his motivation, focus, endurance, cognition and concentration.

3. I am familiar with the restrictions Dr. Hotsenpiller issued on January 13, 2015. Mr. Hessenius' physical and psychological restrictions certainly have not lessened since Dr. Hotsenpiller issued those restrictions. In fact, I do not believe Mr. Hessenius is capable of working even three hours a day, four days a week. The limitations associated with his left shoulder and depression would prevent him from maintaining a regular job.

(Ex. 12, p. 75)

Mr. Kent A. Jayne is a vocational expert. He provided a vocational economic assessment prior to the arbitration hearing. (Ex. 8) Mr. Jayne prepared a subsequent report on August 3, 2016. (Ex. 7) In the assessment portion of his report, Mr. Jayne wrote:

Given that Mr. Hessenius' physical and cognitive limitations have not changed, or have worsened since last report, despite treatment from multiple providers as discussed above, it remains eminently clear that given his multiple limitations, age, experience, training and education from performing work in the competitive labor market. He retains no significant marketable transferable skills to permit employment on any consistent basis. My opinions have not therefore changed from those issued in the preliminary report of December 31, 2014.

(Ex. 7, pp. 36-37)

Defendants obtained the vocational services of Ms. Lana Sellner, MS, CRC. Ms. Sellner did not meet with claimant but she did review a variety of records. Nowhere did Ms. Sellner indicate she had reviewed the arbitration decision so that she understood what the findings of fact and conclusions of law were. In her July 22, 2016 report, Ms. Sellner recommended sales or consulting positions. (Ex. 27) However, in her report of August 23, 2016, Ms. Sellner acknowledged the foregoing:

In regards to Mr. Hessenius' mental health standpoint as outlined above from Dr. Hotsenpillar [sic] and Dr. March, this consultant does opine that Mr. Hessenius would not be considered to be ready for gainful competitive employment at this time with 3 hours per day, 4 days per week. It should be noted this information as [sic] not provided to this consultant at the time of the 7/22/16 vocational report.

(Ex. 13, p. 77)

Defendants have failed to meet their burden of establishing by a preponderance of the evidence, claimant's condition has changed since the date of the filing of the arbitration decision on June 5, 2015. Not one expert, medical or vocational has opined claimant has improved. Claimant remains permanently and totally disabled. Pursuant

to Iowa Code section 85.34(3), claimant is entitled to permanent total disability benefits "during the period of the employee's disability."

Petition for Partial Commutation

Claimant is requesting a partial commutation of benefits pursuant to Iowa Code section 85.45(1). A partial commutation is allowed when:

1. Future payments of compensation may be commuted to a present worth lump sum payment on the following conditions:

a. When the period during which compensation is payable can be definitely determined.

b. When it shall be shown to the satisfaction of the workers' compensation commissioner that such commutation will be for the best interest of the person or persons entitled to the compensation, or that periodical payments as compared with a lump sum payment will entail undue expense, hardship, or inconvenience upon the employer liable therefor.

In the case of Diamond v. Parsons Co., 256 Iowa 915, 928-929, 129 N.W.2d 608 (1964), the Iowa Supreme Court held one must determine what is in the "best interest" of the person who is seeking the commutation. The Court also stated the trier of fact should not act as "an underlying conservator of claimant's property and disregard his desires and reasonable plans just because success in the future is not assured." Id. at 929.

In Dameron v. Neumann Bros., Inc., 339 N.W.2d 160 (Iowa 1983), the Iowa Supreme Court detailed the factors that should be focused upon when considering a petition for commutation. The factors are:

1. The worker's age, education, mental and physical condition, and actual life expectancy (as contrasted with information provided by actuarial tables).

2. The worker's family circumstances, living arrangements, and responsibilities to dependents.

3. The worker's financial condition, including all sources of income, debts and living expenses.

4. The reasonableness of the worker's plan for investing the lump sum proceeds and the worker's ability to manage invested funds or arrange for management by others (for example, by a trustee or conservator).

Id. at 164.

The Court in Dameron, continued to explain there was a benefit-detriment balancing of factors. The Court wrote:

Ultimately, the Diamond analysis involves a benefit-detriment balancing of factors, with the worker's preference and the benefits to the worker of receiving a lump sum payment weighed against the potential detriments that would result if the worker invested unwisely, spent foolishly, or otherwise wasted the fund so it no longer provided the wage substitute intended by our worker's compensation law. Under the last two paragraphs quoted above from the Diamond opinion, however, a request for commutation is approved on the best-interest balancing test unless the potential detriments to the worker outweigh the worker's expressed preference and the demonstrated benefits of commutation.

Id. at 164.

With respect to the partial commutation, claimant submitted a revised itemization of his monthly income and expenses. The revised itemizations were marked as Attachment A, page 1 and A, page 2. Those itemizations comported with the testimony provided by claimant during his hearing on October 28, 2016. Attachments A, pages 1 and 2 are incorporated by reference as though fully set out herein. Claimant's largest monthly expense is his monthly mortgage and homeowners' insurance payment of \$1,209.00. Claimant testified he owes \$100,000.00 on the family home. The house is valued at approximately \$200,000.00. Claimant testified he wants to pay off the mortgage. (Tr., p. 79) The interest rate is 3 percent on the mortgage. (Tr., p. 72) He would still owe insurance and property taxes on the home. (Tr., p. 79) Claimant testified the balance of his lump sum, with the exception of his final week of benefits, would be used to pay his attorney's fees and then claimant would invest the rest. Claimant did not have a clear picture for investing the balance of the money. He did want to invest the money in a conservative investment program. The income from the investments would be taxable income as opposed to his workers' compensation which is non-taxable.

After reviewing all of the factors in Dameron, and after considering the "best interests" of the claimant, it is the determination of the undersigned; claimant is entitled to a partial commutation to the extent of the current amount equal to pay off the mortgage on his home and to pay the appropriate attorney fees for that sum of money. The partial commutation shall be taken from "the front end" of the weekly benefits due to claimant. Counsel for claimant and defendants shall prepare the partial commutation and submit the papers to the Iowa Division of Workers' Compensation within forty-five (45) days of the filing of this order.

The final issue is costs to litigate. Iowa Code section 86.40 states:

Costs. All costs incurred in the hearing before the commissioner shall be taxed in the discretion of the commissioner.

Iowa Administrative Code Rule 876—4.33(86) states:

Costs. Costs taxed by the workers' compensation commissioner or a deputy commissioner shall be (1) attendance of a certified shorthand reporter or presence of mechanical means at hearings and evidential depositions, (2) transcription costs when appropriate, (3) costs of service of the original notice and subpoenas, (4) witness fees and expenses as provided by Iowa Code sections 622.69 and 622.72, (5) the costs of doctors' and practitioners' deposition testimony, provided that said costs do not exceed the amounts provided by Iowa Code sections 622.69 and 622.72, (6) the reasonable costs of obtaining no more than two doctors' or practitioners' reports, (7) filing fees when appropriate, (8) costs of persons reviewing health service disputes. Costs of service of notice and subpoenas shall be paid initially to the serving person or agency by the party utilizing the service. Expenses and fees of witnesses or of obtaining doctors' or practitioners' reports initially shall be paid to the witnesses, doctors or practitioners by the party on whose behalf the witness is called or by whom the report is requested. Witness fees shall be paid in accordance with Iowa Code section 622.74. Proof of payment of any cost shall be filed with the workers' compensation commissioner before it is taxed. The party initially paying the expense shall be reimbursed by the party taxed with the cost. If the expense is unpaid, it shall be paid by the party taxed with the cost. Costs are to be assessed at the discretion of the deputy commissioner or workers' compensation commissioner hearing the case unless otherwise required by the rules of civil procedure governing discovery. This rule is intended to implement Iowa Code section 86.40.

Iowa Administrative Code rule 876—4.17 includes as a practitioner, "persons engaged in physical or vocational rehabilitation or evaluation for rehabilitation." A report or evaluation from a vocational rehabilitation expert constitutes a practitioner report under our administrative rules. Bohr v. Donaldson Company, File No. 5028959 (Arb. November 23, 2010); Muller v. Crouse Transportation, File No. 5026809 (Arb. December 8, 2010). The entire reasonable costs of doctors' and practitioners' reports may be taxed as costs pursuant to 876 IAC 4.33. Caven v. John Deere Dubuque Works, File Nos. 5023051, 5023052 (App. July 21, 2009).

The following costs are assessed to defendants:

Medical/Psych reports of Dr. Hotsenpiller and Dr. March	\$75.00
	\$19.50
Preparation of report by Dr. Taylor	\$585.00
Kent Jayne, Vocational Rehabilitation Report	\$390.00
Mr. Brian Murphy, Investment Advisor Report	\$1,100.00
Total	\$2,169.50

ORDER

THEREFORE, IT IS ORDERED:

Claimant remains permanently and totally disabled into the future during the period of claimant's continued disability.

The parties have previously stipulated the weekly rate to be one thousand three hundred and 00/100 dollars (\$1,300.00).

Claimant is entitled to a partial commutation to the extent of the current amount equal to pay off the mortgage on his home and to pay the appropriate attorney fees for that sum of money. Counsel for claimant and defendants shall prepare the partial commutation and submit the papers to the Iowa Division of Workers' Compensation within forty-five (45) days of the filing of this order.

Costs are assessed to defendants as detailed in the body of this decision.

Defendants shall file all reports as required by law.

Signed and filed this 23rd day of March, 2017.



MICHELLE A. MCGOVERN
DEPUTY WORKERS'
COMPENSATION COMMISSIONER

Copies to:

Emily Anderson
Attorney at Law
425 - 2nd St. SE, Ste. 1140
Cedar Rapids, IA 52401-1848
eanderson@fightingforfairness.com

Jason P. Wiltfang
Attorney at Law
PO Box 36
Cedar Rapids, IA 52406-0036
jwiltfang@scheldruplaw.com

MAM/srs

Right to Appeal: This decision shall become final unless you or another interested party appeals within 20 days from the date above, pursuant to rule 876 4.27 (17A, 86) of the Iowa Administrative Code. The notice of appeal must be in writing and received by the commissioner's office within 20 days from the date of the decision. The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday. The notice of appeal must be filed at the following address: Workers' Compensation Commissioner, Iowa Division of Workers' Compensation, 1000 E. Grand Avenue, Des Moines, Iowa 50319-0209.