

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

JASON MEYER,

Claimant,

vs.

QUALITY MANUFACTURING
CORPORATION,

Employer,

and

EMC INSURANCE,

Insurance Carrier,
Defendants.

File No. 21012793.01

A P P E A L

D E C I S I O N

Head Notes: 1402.20; 1402.40; 1402.60;
1802; 1803; 2501; 2701;
2907; 4000; 5-9998

Defendants Quality Manufacturing Corporation, employer, and its insurer, EMC Insurance, appeal from an arbitration decision filed on January 30, 2023. Claimant Jason Meyer responds to the appeal. The case was heard on June 9, 2022, and it was considered fully submitted in front of the deputy workers' compensation commissioner on July 15, 2022.

In the arbitration decision, the deputy commissioner found claimant was a credible witness. The deputy commissioner found claimant met his burden of proof to establish he sustained a cumulative injury to his cervical spine arising out of and in the course of his employment, and the deputy commissioner found the work injury manifested on February 2, 2021. The deputy commissioner found claimant is entitled to receive healing period benefits from February 16, 2021, through August 30, 2021. The deputy commissioner found claimant is entitled to receive 125 weeks of permanent partial disability benefits commencing on September 1, 2021. The deputy commissioner found defendants are responsible for the requested past medical expenses set forth in Exhibit 7. The deputy commissioner found claimant is entitled to alternate medical care with Conor Mullin, M.D. with Bronson Family Medicine in Michigan under Iowa Code section 85.27. The deputy commissioner found claimant is not entitled to an award of penalty benefits under Iowa Code section 86.13 (2021). The deputy commissioner ordered defendants to pay claimant's costs of the arbitration proceeding.

Defendants assert on appeal that the deputy commissioner erred in finding claimant was a credible witness. Defendants assert the deputy commissioner erred in finding claimant proved he sustained an injury arising out of and in the course of his employment. Defendants assert the deputy commissioner erred in relying on the

opinion of Sunil Bansal, M.D. in finding claimant sustained a permanent work-related injury. Defendants assert the deputy commissioner erred in awarding claimant industrial disability benefits and defendants assert claimant's recovery should be limited to his functional loss. Defendants assert the deputy commissioner erred in awarding claimant healing period benefits when he voluntarily quit his job and moved to another state.

Claimant 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 part of this appeal decision.

I 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.15 and 86.24, I affirm and adopt as the final agency decision those portions of the proposed arbitration decision filed on January 30, 2023, 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.

Some of the findings by the deputy commissioner in the arbitration decision were based on the deputy commissioner's findings regarding claimant's credibility. The deputy commissioner found claimant was a credible witness. I find the deputy commissioner correctly assessed claimant's credibility. While I performed a de novo review on appeal, I give considerable deference to the findings of fact which are impacted by the credibility findings, expressly or impliedly made, regarding claimant by the deputy commissioner who presided at the arbitration hearing. I find nothing in the record in this matter which would cause me to reverse the deputy commissioner's findings regarding claimant's credibility.

I affirm the deputy commissioner's finding that claimant proved he sustained a cumulative work-related injury to his cervical spine which manifested on February 2, 2021. I affirm the deputy commissioner's finding that claimant is entitled to receive healing period benefits from February 16, 2021, through August 30, 2021. I affirm the deputy commissioner's finding claimant is entitled to receive 125 weeks of permanent partial disability benefits commencing on September 1, 2021. I affirm the deputy commissioner's finding that defendants are responsible for the requested past medical expenses set forth in Exhibit 7. I affirm the deputy commissioner's finding that claimant is entitled to alternate medical care with Dr. Mullin with Bronson Family Medicine in Michigan. I affirm the deputy commissioner's finding that claimant is not entitled to an award of penalty benefits under Iowa Code section 86.13 (2021). I affirm the deputy commissioner's order that defendants pay claimant's 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 January 30, 2023, is affirmed in its entirety.

Defendants shall pay claimant healing period benefits from February 16, 2021, through August 30, 2021, at the weekly rate of seven hundred six and 42/100 dollars (\$706.42).

Defendants shall pay claimant 125 weeks of permanent partial disability benefits at the weekly rate of seven hundred six and 42/100 dollars (\$706.42), commencing on September 1, 2021.

Defendants shall pay accrued benefits in a lump sum with interest at an annual rate equal to the one-year treasury constant maturity published by the federal reserve in the most recent H15 report settled as the date of injury, plus two percent.

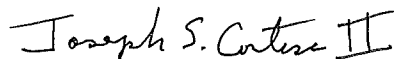
Defendants are responsible for the medical expenses set forth in Exhibit 7.

Defendants shall authorize medical care with Dr. Mullin with Bronson Family Medicine under Iowa Code section 85.27.

Pursuant to rule 876 IAC 4.33, defendants shall pay claimant's costs of the arbitration proceeding, and defendants shall pay the costs of the appeal, including the cost of the hearing transcript.

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

Signed and filed on this 13th day of July, 2023.



JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

The parties have been served as follows:

Nick Platt (via WCES)

David Scieszinski (via WCES)