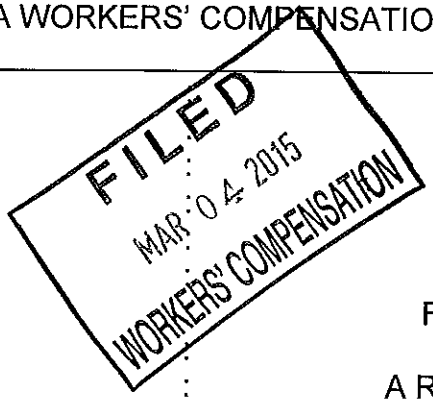
BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER



WILLIAM SHUKERS,

Claimant,

vs.

QUAKER OATS COMPANY,

Employer,

and

INDEMNITY INSURANCE COMPANY OF NORTH AMERICA,

Insurance Carrier,
Defendants.

File No. 5046483

ARBITRATION

DECISION

Head Note Nos.: 1402.30, 2907

STATEMENT OF THE CASE

William Shukers, claimant, filed a petition in arbitration seeking workers' compensation benefits from Quaker Oats Company, as his employer, and Indemnity Insurance Company of North America, as the applicable insurance carrier. This case proceeded to an arbitration hearing on January 7, 2015 in Cedar Rapids, Iowa.

Mr. Shukers was the only witness that testified live at trial. Claimant offered exhibits 1 through 12. Defendants offered exhibit A. All exhibits were received into the evidentiary record without objection.

The parties also submitted a hearing report, which contains stipulations. The parties' stipulations are accepted and relied upon in entering this decision. No findings or conclusions will be entered with respect to the parties' stipulations, and the parties are bound by those agreements.

Counsel requested the opportunity and filed post-hearing briefs on January 30, 2015, at which time this case was considered fully submitted.

ISSUES

The parties submitted the following disputed issues for resolution:

1. Whether claimant sustained an injury to his right knee that arose out of and in the course of his employment with Quaker Oats Company that manifested on or about February 12, 2013.

2. Whether claimant is entitled to an award of past medical expenses attached as claimant's Exhibit 11.

3. Whether claimant is entitled to an order for alternate medical care.

4. Whether claimant is entitled to reimbursement of an independent medical evaluation fee.

5. Whether costs should be assessed against either party.

At the commencement of hearing, counsel for the parties clarified the issues for the undersigned. Counsel noted that the primary disputed issue is whether claimant sustained a cumulative work injury that is causally related to his employment activities at Quaker Oats. As defense counsel noted in defendants' post-hearing brief, "if the first issue is decided in the affirmative the rest of the issues would similarly follow."

In other words, if claimant has proven by a preponderance of the evidence that he sustained a cumulative work injury, claimant would also be entitled to his award of past medical expenses, as well as an order for alternate future medical care and costs. Counsel's narrowing and clarification of the issues is greatly appreciated by the undersigned.

FINDINGS OF FACT

The undersigned, having considered all of the evidence and testimony in the record, finds:

William Shukers is a 62-year-old gentleman, who worked for Quaker Oats for more than 42 years. He started with the employer in 1971 and retired from the company in 2014. From 1971 through 2011, Mr. Shukers worked in the chemical department at Quaker Oats. He worked 18-19 years as a "digester loader" in the chemical department. His job duties revolved around tasks necessary to "cook" oat and corn byproducts to generate and capture a vapor used as part of a chemical in the plastic industry.

As a digester loader, Mr. Shukers manipulated large chutes and hoses. He estimated that the chutes he manipulated weighed 30-50 pounds, and he testified that he had to manipulate the chutes with his right foot to get them into the necessary bin. Mr. Shukers testified that he had to stand and walk frequently in this position, as well as perform some climbing of ladders and squatting activities. (Claimant's testimony)

Mr. Shukers also worked as a "digester loader helper" in the chemical department. In that position, he was required to open and close a 200-pound door. He

also worked as a "digester steamer" in the chemical department and was responsible for "cooking" the byproducts to create the desired chemical release. In all of his jobs within the chemical department, Mr. Shukers was required to assist with cleaning the system. The cleanings occurred twice per week. During the cleanings, the employees would lift, push and pull items frequently. Claimant stood on concrete floors frequently in all of his positions within the chemical department. (Claimant's testimony)

In 2001, Quaker Oats decided to close its chemical department. Mr. Shukers transferred to the facilities maintenance department and worked as a "millwright helper." As a millwright helper, Mr. Shukers performed maintenance on Quaker Oats' building and facilities. He was required to demolish walls, drive a forklift, and manipulate a 200-pound toolbox on wheels. He used an air hammer at times to chisel concrete and brick. The millwright helper position required claimant to climb ladders frequently and also required kneeling frequently. Claimant described the millwright helper position as a physically demanding job. (Claimant's testimony; Exhibit 9, page 16)

In 2006, claimant transferred to the elevator department, where he worked until he retired from Quaker Oats. He worked three different jobs in the elevator department. His first position in the elevator department was as "sanitation relief." In this position, claimant was responsible for cleaning stairwells and rooms. His job required significant use of stairs and ladders to access multiple floors and necessary areas. He frequently stood or walked on concrete floors or worked on stairs and ladders throughout the plant to perform his job.

Mr. Shukers' second job in the elevator department was as a "bin floor operator." He was responsible for four to five different bin floors in this position. Finally, Mr. Shukers worked as a "systems operator" in the grain receiving area of the elevator department. Mr. Shukers testified this was one of the easiest jobs he worked at Quaker Oats, though he did still have to climb ladders onto rail cars or climb underneath rail cars to get samples of the grains stored in the cars. He testified some of his most physical work in this job was attempting to open frozen rail cars while working on his hands and knees. He worked this job from February 2012 through his retirement. (Ex. 7, p. 15)

Copies of Quaker Oats' job descriptions for several of claimant's positions are included as Exhibit 8. Claimant testified that the job descriptions are generally accurate as to his required job duties.

During his last few years of employment at Quaker Oats, Mr. Shukers began experiencing right knee pain, particularly on uneven ground, while applying brakes on rail cars, and while climbing stairs and ladders. In 2011, claimant sought medical care with his personal physician. (Ex. 1, pp. 1-3) Claimant testified that he had significant difficulties with his right knee while trying to climb ladders and stairs at work. However, he continued to work without restriction.

In February 2012, he returned to his personal physician complaining that his knee pain continued, that it cracked and popped and that he had a hard time getting out of a chair. At that time, claimant also indicated that his knee occasionally felt like it was going to go out from under him. His personal physician offered a referral to an orthopaedic surgeon for his knee. (Ex. 1, pp. 5-6)

Cassandra S. Lange, M.D., an orthopaedic surgeon, evaluated Mr. Shukers on April 18, 2012. Dr. Lange diagnosed claimant with joint space narrowing and noted that a knee replacement would be indicated. However, she recommended that claimant hold off on a knee replacement as long as possible. (Ex. 2, pp. 4-5)

By January 2013, claimant reported that he could only sleep on his left side with his right knee bent and up. He was not sleeping well, and he requested additional medical treatment. Dr. Lange concurred that knee replacement was appropriate given claimant's symptoms. (Ex. 2, p. 7)

On February 12, 2013, Dr. Lange took claimant to surgery and performed a total right knee replacement. (Ex. 5) Mr. Shukers was off work following surgery from February 12, 2013 through May 5, 2013. (Hearing Report) At that point, Dr. Lange recommended claimant return to work half days. However, Quaker Oats told claimant that he had undergone elective surgery and that he was not allowed to return to work with any physical restrictions. Therefore, claimant returned to full-duty work as of May 6, 2013. (Claimant's testimony)

Mr. Shukers testified that his co-workers provided him a significant amount of assistance because his right knee was swollen significantly upon returning to work. Claimant continued to work from May 2013 until February 2014. His right knee symptoms caused constant swelling, and Dr. Lange recommended that claimant retire. Therefore, in February 2014, Mr. Shukers took his remaining vacation and retired. (Claimant's testimony)

The primary factual and legal dispute in this case is whether claimant's right knee osteoarthritis and resulting total right knee replacement arose out of and in the course of claimant's employment with Quaker Oats. Claimant alleges his injury as a cumulative trauma injury.

Three physicians have offered causation opinions. Dr. Lange, claimant's treating orthopaedic surgeon, initially indicated on a short-term disability application that claimant's right knee condition was not work related. (Ex. 2, p. 9) However, in a report authored by claimant's attorney and signed by Dr. Lange on November 4, 2014, she opined:

1. His right knee diagnosis was degenerative joint disease.

2. The cause of DJD is multifactorial.

3. Physically demanding work can be a material aggravating factor.

4. Bill's work history is consistent with the type of material aggravation.

5. A patient's pain level is an important factor in determining if and when to proceed to surgical repair.

6. Bill's work activities were a material aggravating factor in his pain levels.

7. The need for total knee replacement performed on February 12, 2013 resulted from his DJD materially aggravated by his work activities.

(Ex. 2, pp. 29-30)

Claimant also obtained an independent medical evaluation, performed by Stanley J. Mathew, M.D., on March 25, 2014. (Ex. 6) Dr. Mathew is a board-certified physical medicine and rehabilitation physician. He evaluated claimant one time and provides a limited history. Dr. Mathew simply notes that claimant "has done many years of physically demanding work including heavy lifting, prolonged standing, and bending." (Ex. 6, p. 7) It does not appear that Dr. Mathew had any job descriptions for claimant's various positions.

Dr. Mathew provides very little analysis or explanation as to his reasoning and conclusions. However, he opines, "I do believe the patient's work activities are the material aggravating factor in producing his condition up till date his medical treatment." (Ex. 6, p. 9)

Defendants also obtained an independent medical evaluation, which was performed by Thomas S. Gorsche, M.D. on October 1, 2014. (Ex. 7) Dr. Gorsche noted during his history that claimant contended his work at Quaker Oats was much more physical than what was described in the job description. Dr. Gorsche also noted the multiple factors that can cause knee osteoarthritis, including obesity, muscle weakness, joint alignment, laxity, as well as physical stressors on the knee. (Ex. 7, p. 10)

Ultimately, Dr. Gorsche opined in his October 1, 2014 report that if claimant "did perform heavy, physical activity, there is a strong association with knee osteoarthritis. It is medically possible that some of his duties could play a role in his underlying arthritis." (Ex. 7, p. 11) However, Dr. Gorsche recommended that he be provided copies of claimant's job descriptions for the work he performed throughout his 42-year career with Quaker Oats to enable him to provide a more definitive opinion regarding causation. (Ex. 7, p. 11)

Following Dr. Gorsche's request, Quaker Oats provided him two job descriptions for the bin floor operator position and the grain shipping/receiving coordinator position. (Ex. 7, p. 14) It appears Dr. Gorsche already had the grain shipping/receiving coordinator job description at the time of his independent medical evaluation. Essentially, therefore, Quaker Oats provided Dr. Gorsche one additional job description.

The job descriptions Quaker Oats provided to Dr. Gorsche reflected claimant's job duties between March 2009 and 2014. It does not appear that Dr. Gorsche received all of the job descriptions he requested and had no objective data for job duties claimant performed between 1971 and 2009.

After reviewing the two job descriptions he was provided, Dr. Gorsche opined that claimant's "Job duties were not a substantial material factor in his developing degenerative joint disease of the knee. His work activity was not a substantial factor in bringing about the degenerative arthritis." (Ex. 7, p. 15) However, Dr. Gorsche qualified that opinion noting, "it is medically possible but not probable that his job duties were a significant substantial material factor in developing degenerative arthritis of the knee." (Ex. 7, p. 16)

When comparing and weighing the competing medical opinions, I find that Dr. Mathew's opinions are relatively cursory. His report does not discuss the multiple potential factors that can cause degenerative joint disease of the knee. His opinions are stated as conclusions with no explanation as to why he reached those conclusions. I do not find Dr. Mathew's opinions to be independently convincing in this situation.

Turning to the opinions of Dr. Lange and Dr. Gorsche, I note that Dr. Lange has the advantage of having evaluated claimant multiple times over a period of time. She has inspected his knee joint during her surgical procedure to replace the knee joint. She has had more opportunities to speak with claimant and ascertain his specific job duties. However, she has arguably changed her causation opinion between the time of the short-term disability application and her final causation report prepared by claimant's counsel.

Dr. Gorsche evaluated claimant once and noted that claimant disputed some of the job descriptions upon which Dr. Gorsche ultimately bases his opinions. I found claimant to be a straight-forward and credible witness. On the other hand, at trial, claimant essentially conceded that the job descriptions were basically accurate as to his job duties.

My findings end up turning on whether I find the treating surgeon's multiple examinations and surgery to give her superior credibility in this situation or whether I find Dr. Gorsche's review of the actual job descriptions to have provided him superior information upon which to base his opinions. The fact that Dr. Gorsche had access to objectively documented job descriptions is convincing evidence. However, Dr. Gorsche requested job descriptions for all of claimant's positions with Quaker Oats during his 42-year career. Quaker Oats provided him only job descriptions from 2009 through 2014. No explanation was provided why additional job descriptions were not made available. Certainly, Exhibit 8 demonstrates that additional job descriptions were located and available. Claimant was available for deposition to explore all of his relevant job duties so that such a description could be provided to Dr. Gorsche.

Mr. Shukers testified that the final position as a grain shipping/receiving operator was his least physically demanding position at Quaker Oats. It was also of short duration in comparison to other jobs he held. Yet, this was one of only two job descriptions provided to Dr. Gorsche. He was not provided job descriptions such as the facilities maintenance position, which required frequent crouching. None of the job descriptions describe the amount of standing claimant was required to do or the surface upon which he stood. Yet, claimant testified he stood on concrete almost continuously throughout the plant.

I am impressed that Dr. Gorsche requested job descriptions in an attempt to make a more objective determination of the causation issue. However, when I consider that Dr. Gorsche was not provided copies of all relevant work activities or job descriptions, his opinion suffers. For many years, Mr. Shukers' job duties appear to have been more physical in nature than the last job he worked. Therefore, Dr. Gorsche's available information likely underestimates the physical nature and exertion required to perform claimant's various jobs at Quaker Oats over his 42-year career.

Dr. Gorsche candidly opines that "it is medically possible" that claimant's job duties were a significant or material factor in causing his development of degenerative arthritis of the right knee. (Ex. 7, p. 16) Dr. Gorsche also notes that "Heavy physical activity is associated with the risk of developing knee arthritis." (Ex. 7, p. 15) In this instance, I find that Mr. Shukers performed more physical activities at Quaker Oats than Dr. Gorsche was made aware of through the two job descriptions he was provided.

I find that Dr. Lange was in an advantageous position to opine on causation having been claimant's treating surgeon for an extended period of time. She performed claimant's knee replacement and viewed his knee joint intra-operatively. Although it would have been more convincing to have Dr. Lange view the job descriptions as well, I find that her opinion is more convincing based on the record actually submitted. I accept Dr. Lange's causation opinion as delineated at Exhibit 2, pages 29 and 30. Therefore, I find that claimant has proven by a preponderance of the evidence that his work activities at Quaker Oats were a substantial and material aggravating factor that led to the development and advancement of claimant's right knee osteoarthritis and the eventual need for his right knee surgery and subsequent surgery in December 2014.

CONCLUSIONS OF LAW AND REASONING

The primary disputed issue in this case is whether claimant has proven he sustained a cumulative injury to his right knee that arose out of and in the course of his employment with Quaker Oats Company. Claimant asserts that he sustained a cumulative injury as a result of his years of work at Quaker. Defendants contend that Dr. Gorsche is the most informed medical expert in this case. Dr. Gorsche concludes that claimant's work was a possible, but not probable, factor in claimant's development of osteoarthritis and need for a knee replacement. Therefore, defendants contend that

claimant failed to carry his burden of proof to establish a cumulative injury that arose out of and in the course of employment.

The claimant has the burden of proving by a preponderance of the evidence that the alleged injury actually occurred and that it both arose out of and in the course of the employment. Quaker Oats Co. v. Ciha, 552 N.W.2d 143 (Iowa 1996); Miedema v. Dial Corp., 551 N.W.2d 309 (Iowa 1996). The words "arising out of" referred to the cause or source of the injury. The words "in the course of" refer to the time, place, and circumstances of the injury. 2800 Corp. v. Fernandez, 528 N.W.2d 124 (Iowa 1995). An injury arises out of the employment when a causal relationship exists between the injury and the employment. Miedema, 551 N.W.2d 309. The injury must be a rational consequence of a hazard connected with the employment and not merely incidental to the employment. Koehler Electric v. Wills, 608 N.W.2d 1 (Iowa 2000); Miedema, 551 N.W.2d 309. An injury occurs "in the course of" employment when it happens within a period of employment at a place where the employee reasonably may be when performing employment duties and while the employee is fulfilling those duties or doing an activity incidental to them. Ciha, 552 N.W.2d 143.

A personal injury contemplated by the workers' compensation law means an injury, the impairment of health or a disease resulting from an injury which comes about, not through the natural building up and tearing down of the human body, but because of trauma. The injury must be something that acts extraneously to the natural processes of nature and thereby impairs the health, interrupts or otherwise destroys or damages a part or all of the body. Although many injuries have a traumatic onset, there is no requirement for a special incident or an unusual occurrence. Injuries which result from cumulative trauma are compensable. Increased disability from a prior injury, even if brought about by further work, does not constitute a new injury, however. St. Luke's Hosp. v. Gray, 604 N.W.2d 646 (Iowa 2000); Ellingson v. Fleetguard, Inc., 599 N.W.2d 440 (Iowa 1999); Dunlavey v. Economy Fire and Cas. Co., 526 N.W.2d 845 (Iowa 1995); McKeever Custom Cabinets v. Smith, 379 N.W.2d 368 (Iowa 1985). An occupational disease covered by chapter 85A is specifically excluded from the definition of personal injury. Iowa Code section 85.61(4) (b); Iowa Code section 85A.8; Iowa Code section 85A.14.

The claimant has the burden of proving by a preponderance of the evidence that the injury is a proximate cause of the disability on which the claim is based. A cause is proximate if it is a substantial factor in bringing about the result; it need not be the only cause. A preponderance of the evidence exists when the causal connection is probable rather than merely possible. George A. Hormel & Co. v. Jordan, 569 N.W.2d 148 (Iowa 1997); Frye v. Smith-Doyle Contractors, 569 N.W.2d 154 (Iowa App. 1997); Sanchez v. Blue Bird Midwest, 554 N.W.2d 283 (Iowa App. 1996).

The question of causal connection is essentially within the domain of expert testimony. The expert medical evidence must be considered with all other evidence introduced bearing on the causal connection between the injury and the disability.

Supportive lay testimony may be used to buttress the expert testimony and, therefore, is also relevant and material to the causation question. The weight to be given to an expert opinion is determined by the finder of fact and may be affected by the accuracy of the facts the expert relied upon as well as other surrounding circumstances. The expert opinion may be accepted or rejected, in whole or in part. St. Luke's Hosp. v. Gray, 604 N.W.2d 646 (Iowa 2000); IBP, Inc. v. Harpole, 621 N.W.2d 410 (Iowa 2001); Dunlavey v. Economy Fire and Cas. Co., 526 N.W.2d 845 (Iowa 1995). Miller v. Lauridsen Foods, Inc., 525 N.W.2d 417 (Iowa 1994). Unrebutted expert medical testimony cannot be summarily rejected. Poula v. Siouxland Wall & Ceiling, Inc., 516 N.W.2d 910 (Iowa App. 1994).

When the injury develops gradually over time, the cumulative injury rule applies. The date of injury for cumulative injury purposes is the date on which the disability manifests. Manifestation is best characterized as that date on which both the fact of injury and the causal relationship of the injury to the claimant's employment would be plainly apparent to a reasonable person. The date of manifestation inherently is a fact based determination. The fact-finder is entitled to substantial latitude in making this determination and may consider a variety of factors, none of which is necessarily dispositive in establishing a manifestation date. Among others, the factors may include missing work when the condition prevents performing the job, or receiving significant medical care for the condition. For time limitation purposes, the discovery rule then becomes pertinent so the statute of limitations does not begin to run until the employee, as a reasonable person, knows or should know, that the cumulative injury condition is serious enough to have a permanent, adverse impact on his or her employment. Herrera v. IBP, Inc., 633 N.W.2d 284 (Iowa 2001); Oscar Mayer Foods Corp. v. Tasler, 483 N.W.2d 824 (Iowa 1992); McKeever Custom Cabinets v. Smith, 379 N.W.2d 368 (Iowa 1985).

Having found that claimant did prove by a preponderance of the evidence that his work at Quaker Oats was a substantial and material factor in causing the development, aggravation, or progression of his right knee osteoarthritis, including to the point of needing a knee replacement, I conclude that claimant has established he sustained a cumulative injury to his right knee that arose out of and in the course of his employment with Quaker Oats that manifested as an injury on February 12, 2013.

The parties stipulate that claimant is entitled to a running healing period given these factual findings and conclusions. Given the conclusion that claimant has proven a cumulative work injury, the parties also stipulate that claimant is entitled to the award of past medical expenses outlined in claimant's Exhibit 11. Claimant is also entitled to reimbursement for transportation costs as outlined and itemized in Exhibit 10. Iowa Code section 85.27; 876 IAC 8.1(2).

An application for alternate medical care is not automatically sustained because claimant is dissatisfied with the care he has been receiving. Mere dissatisfaction with

the medical care is not ample grounds for granting an application for alternate medical care. Rather, the claimant must show that the care was not offered promptly, was not reasonably suited to treat the injury, or that the care was unduly inconvenient for the claimant. Long v. Roberts Dairy Co., 528 N.W.2d 122 (Iowa 1995).

"Determining what care is reasonable under the statute is a question of fact." Long v. Roberts Dairy Co., 528 N.W.2d 122, 123 (Iowa 1995).

In Pirelli-Armstrong Tire Co. v. Reynolds, 562 N.W.2d 433, 437 (Iowa 1997), the supreme court held that "when evidence is presented to the commissioner that the employer-authorized medical care has not been effective and that such care is 'inferior or less extensive' than other available care requested by the employee, . . . the commissioner is justified by section 85.27 to order the alternate care."

Mr. Shukers is clearly in need of additional medical care with additional surgery having occurred shortly before the hearing. It appears that all treating and evaluating physicians agree that claimant's course of care has been reasonable and necessary to date. Claimant requests treatment through Dr. Lange, who performed both surgeries. Defendants have offered no alternate medical care and agree that the request for alternate medical care should follow if the injury is determined to be work related. (Defendants' Post-Hearing Brief, p. 2) Therefore, I conclude that claimant has established entitlement to ongoing medical care and that it is appropriate to order care to be provided through or at Dr. Lange's direction.

Claimant also seeks an award for reimbursement of his independent medical evaluation fees. Section 85.39 permits an employee to be reimbursed for subsequent examination by a physician of the employee's choice where an employer-retained physician has previously evaluated "permanent disability" and the employee believes that the initial evaluation is too low. The section also permits reimbursement for reasonably necessary transportation expenses incurred and for any wage loss occasioned by the employee attending the subsequent examination.

Defendants are responsible only for reasonable fees associated with claimant's independent medical examination. Claimant has the burden of proving the reasonableness of the expenses incurred for the examination. See Schintgen v. Economy Fire & Casualty Co., File No. 855298 (App. April 26, 1991). Claimant need not ultimately prove the injury arose out of and in the course of employment to qualify for reimbursement under section 85.39. See Dodd v. Fleetguard, Inc., 759 N.W.2d 133, 140 (Iowa App. 2008).

Defendants had claimant evaluated by Dr. Gorsche. However, that evaluation did not occur until November 4, 2014. Claimant obtained his independent medical evaluation with Dr. Mathew on May 25, 2014. Defendants had not obtained a permanent impairment rating from a physician of their choosing prior to the time

claimant sought his evaluation with Dr. Mathew. Therefore, I conclude that claimant has not established entitlement to reimbursement of his independent medical evaluation fees with Dr. Mathew pursuant to Iowa Code section 85.39.

Claimant also seeks assessment of costs. Assessment of costs is a discretionary function of the agency. Iowa Code section 86.40.

Claimant prevailed on the primary issue in dispute in this case. Therefore, I exercise the agency's discretion and conclude that it is appropriate to assess claimant's costs in some amount. I note that claimant requests assessment of Dr. Mathew's examination fee as a cost of this proceeding. I conclude that this is not a cost that should be legally or equitably assessed against defendants. The remainder of the costs outlined in Exhibit 12 are reasonable and appropriately assessed pursuant to 876 IAC 4.33.

ORDER

THEREFORE, IT IS ORDERED:

Defendants shall pay claimant healing period benefits from February 12, 2013 to May 5, 2013 and from December 9, 2014 through the date of hearing and continuing until the first factor of Iowa Code section 85.34(1) permits termination of healing period benefits.

Defendants shall pay all accrued weekly benefits in lump sum with applicable interest pursuant to Iowa Code section 85.30.

Defendants shall be entitled to credit for short-term disability benefits paid to claimant pursuant to the parties' stipulation on the hearing report.

Defendants shall pay to claimant or otherwise satisfy all medical expenses outlined in Exhibit 11.

Defendants shall reimburse claimant's transportation expenses as outlined in Exhibit 10.

Cassandra S. Lange, M.D. shall be the authorized physician for treatment of claimant's right knee condition moving forward.

Defendants shall reimburse claimant's costs totaling seven-hundred sixty-five and 10/100 dollars ($765.10).

Defendants shall file subsequent reports of injury (SROI) as required by this agency pursuant to rules 876 IAC 3.1(2), and 876 IAC 11.7.

Signed and filed this 4th day of March, 2015.

WILLIAM H. GRELL
DEPUTY WORKERS'
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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.