

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

JUDY SCHWERS,

Claimant,

vs.

NORDSTROM, INC.,

Employer,
Self-Insured,
Defendant.

File No. 5064794

A P P E A L

D E C I S I O N

: Head Notes: 1180.50; 1402.40; 1402.60;
: 1403.10; 1804; 2501; 2907;
: 5-9998

Defendant Nordstrom, Inc., self-insured employer, appeals from an arbitration decision filed on March 23, 2021. Claimant Judy Schwerts cross-appeals. The case was heard on October 7, 2020, and it was considered fully submitted in front of the deputy workers' compensation commissioner on November 12, 2020.

In the arbitration decision, the deputy commissioner found claimant's fusion surgery and spinal cord stimulator were causally related to the stipulated August 10, 2017, work injury. The deputy commissioner found claimant sustained permanent disability as a result of the work injury. More specifically, the deputy commissioner found claimant is permanently and totally disabled as a result of the work injury. However, the deputy commissioner found claimant failed to prove her bilateral plantar fasciitis condition is causally related to the work injury. As a result, the deputy commissioner found claimant is not entitled to medical care at the expense of defendant for her bilateral feet condition. The deputy commissioner ordered defendant to pay claimant's costs of the arbitration proceeding in the amount of \$100.00.

On appeal, defendant asserts the deputy commissioner erred in finding claimant's fusion surgery and spinal cord stimulator are work-related. Defendant also asserts the deputy commissioner erred in finding claimant is permanently and totally disabled as a result of the work injury.

On cross-appeal, claimant asserts the deputy commissioner erred in finding her plantar fasciitis condition is not work-related, and in finding claimant is not entitled to medical treatment at defendant's expense for that condition.

Those portions of the proposed agency 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 March 23, 2021, which relate to the issues properly raised on intra-agency appeal.

I affirm the deputy commissioner's finding that claimant's fusion surgery and spinal cord stimulator are causally related to the August 10, 2017, work injury. I affirm the deputy commissioner's finding that claimant is permanently and totally disabled as a result of the work injury. I affirm the deputy commissioner's finding that claimant's plantar fasciitis condition is not work-related and I affirm the finding that claimant is not entitled to medical treatment at defendant's expense for that condition. I affirm the deputy commissioner's order that defendant pay claimant's costs of the arbitration proceeding in the amount of \$100.00.

I affirm the deputy commissioner's findings, conclusions and analysis regarding those issues.

ORDER

IT IS THEREFORE ORDERED that the arbitration decision filed on March 23, 2021, is affirmed in its entirety.

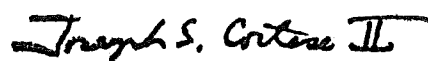
Defendant shall pay claimant permanent total disability benefits at the stipulated weekly benefit rate of seven hundred thirty-one and 48/100 dollars (\$731.48) from the date of injury and continuing during the period of claimant's permanent total disability.

Defendant shall pay accrued weekly benefits in a lump sum together 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 of the date of injury, plus two percent.

Pursuant to rule 876 IAC 4.33, defendant shall pay claimant's costs of the arbitration proceeding in the amount of one hundred and no/100 dollars (\$100.00), and the parties shall split the cost of the appeal, including the cost of the hearing transcript.

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

Signed and filed this 30th day of June, 2021.



JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

The parties have been served as follows:

Eric Loney (via WCES)

James Matthew Peters (via WCES)