

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

EVANGELINA MARTINEZ,

Claimant,

vs.

MCDONALD'S RESTAURANTS OF
IOWA, INC.,

Employer,

and

AMERICAN ZURICH INSURANCE
COMPANY,Insurance Carrier,
Defendants.

File No. 22700064.01

ARBITRATION DECISION

Headnote Nos.: 1402.40,
1402.60, 1803, 4000.2

STATEMENT OF THE CASE

Claimant, Evangelina "Angel" Martinez, filed a petition in arbitration seeking workers' compensation benefits against defendants McDonald's Restaurants of Iowa, Inc., employer, and American Zurich Insurance Company, insurer. In accordance with agency scheduling procedures and pursuant to the Order of the Commissioner in the matter of the Coronavirus/COVID-19 Impact on Hearings, the hearing was held on April 10, 2023, via Zoom.

The parties filed a hearing report at the commencement of the hearing. In the hearing report, the parties entered into numerous stipulations. Those stipulations were accepted and no factual or legal issues relative to the parties' stipulations will be made or discussed. The parties are now bound by their stipulations.

The evidentiary record consists of Claimant's Exhibits 1 through 6 and Defendants' Exhibits A through C. Claimant testified on her own behalf. No other witnesses were called to testify. The evidentiary record closed at the conclusion of the evidentiary hearing. All parties filed their post-hearing briefs on or before May 22, 2023, at which time the case was deemed fully submitted to the undersigned.

ISSUES

The parties submitted the following disputed issues for resolution:

1. The extent of claimant's entitlement to temporary disability and/or healing period benefits;
2. Whether the alleged injury caused permanent disability and, if so, the extent of claimant's entitlement to permanent disability benefits, if any;
3. The commencement date for permanent partial disability benefits, if any are awarded;
4. Whether claimant is entitled to payment of medical expenses;
5. Penalty benefits; and
6. Whether costs should be assessed against either party and, if so, in what amount.

FINDINGS OF FACT

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

The claimant at the center of this case is Angel Martinez (hereinafter "Martinez"). At the time of the hearing, Martinez was 22 years old. (Hearing Transcript, page 9). She graduated from high school in California before moving to Iowa in June 2018. (Hr. Tr., pp. 9-10) Martinez started working for McDonald's Restaurants of Iowa, the defendant employer, in the beginning of December 2021. (Hr. Tr., pp. 10-11) She was hired to work as a cashier at one of the drive-thru windows. Her job duties consisted of greeting customers, processing payments, packaging orders, and passing completed orders to customers through the drive-thru window. (See Hr. Tr., pp. 11-12)

Martinez worked at McDonald's until February 2022, when she accepted a part-time position as a health aide at Silver Oaks Nursing and Rehabilitation Center. (See Hr. Tr., pp. 41-42; Ex. 5, Depo. p. 26) As a health aide, Martinez delivered food, filled drinks, folded silverware, and washed dishes. (Ex. 5, Depo. p. 26) According to Martinez, she only worked at Silver Oaks for approximately one month before turning in her two-week notice. (Ex. 5, Depo. pp. 32-33) She told her manager that she could not handle the job duties required of a health aide. (Id.)

Despite her concerns with the health aide position at Silver Oaks, Martinez accepted a health aide position at Linn Manor Care Center on a part-time basis. (Ex. 5, Depo. p. 34) Martinez asserts the job duties at Linn Manor were similar to the job duties at Silver Oaks; however, she testified she did not have to wash dishes at Linn Manor. (Ex. 5, Depo. pp. 34-35) Martinez was interested in working a full-time position with Linn Manor; however, the position would have required her to work mornings, and she did not have transportation available until the afternoon. (Ex. 5, Depo. pp. 35-36) Martinez believes she worked at Linn Manor for approximately six months. (Ex. 5, Depo. p. 35)

At the time of hearing, claimant was working as a cashier at a Casey's General Store. (Hr. Tr., pp. 41-43; Ex. 5, Depo. p. 38) She works approximately 22 hours per week. (Ex. 5, Depo. p. 39)

In the instant case, Martinez is alleging she sustained an injury to her left upper extremity when she slipped and fell while working for the defendant employer on December 24, 2021. More specifically, Martinez was walking out of the bathroom when she slipped on a recently mopped floor. (Hr. Tr., pp. 13-14) Martinez fell backwards, extending her left arm to catch herself. (Id.) Upon impact, claimant felt immediate pain radiating up into her left shoulder and down into her left wrist. (Id.) After her co-workers helped her stand, claimant reported the injury to her shift manager. (Hr. Tr., pp. 15-16) She was unable to finish her shift. (Hr. Tr., p. 16)

Martinez's grandmother picked her up from work and drove her to Hiawatha Mercy Emergency Medical Center for treatment. (Hr. Tr., pp. 18-19) After describing the work injury, claimant complained of pain in her left elbow, left forearm, and left wrist. (Claimant's Exhibit 1, page 3) X-rays of the left arm revealed a closed nondisplaced radial neck fracture. (Ex. 1, p. 8) Claimant's left arm was splinted, and she was provided a sling for comfort. (Ex. 1, pp. 5, 7) She was also scheduled to present to Lisa Coester, M.D. for an orthopedic evaluation. (Ex. 1, p. 7)

The following day, Martinez contacted her manager and told her what had happened. (Ex. 5, Depo. p. 17) At some point she also provided her manager with a doctor's note from the emergency room for the days she was taken off work. (Id.)

Dr. Coester performed an initial evaluation of Martinez on December 28, 2021. (Ex. 2, p. 9) She reviewed the x-rays from Mercy and confirmed the nondisplaced radial neck fracture. (Id.) Dr. Coester provided claimant with a removable wrist splint, and instructed her to remove the sling and splint three times each day and gently move her elbow and wrist around. (Ex. 2, p. 10) Dr. Coester then restricted Martinez from working until January 12, 2022. (Ex. 2, p. 11)

The next day, a representative from Physician's Clinic of Iowa ("PCI") contacted the insurance company PCI had listed for McDonald's and was told a search of Martinez's name did not return a valid claim. (Ex. 2, p. 7) On January 3, 2022, the same representative contacted the defendant employer and spoke with "Laura" who is believed to be Martinez's manager. According to Laura, a claim was filed for Martinez; however, it was filed as an "incident" and not a workers' compensation injury as Martinez had finished her shift and was leaving when she slipped on the wet floor. (Id.) Laura provided the representative with contact information for an individual with McDonald's corporate office. (Id.) The representative subsequently reached out to the corporate office and requested workers' compensation information. (Id.)

Martinez returned to see Dr. Coester on January 12, 2022. (Ex. 2, p. 3) At the evaluation, claimant reported that her wrist was no longer bothering her, but she was concerned about the limited range of motion in her elbow. (Id.) Dr. Coester referred claimant for physical therapy and provided she could return to work with no use of the left arm. (Ex. 2, p. 4)

On January 13, 2022, the PCI representative spoke with Laura and McDonald's corporate office and obtained contact information for James West with Gallagher Bassett, a third-party administrator. (Ex. 2, p. 7) The PCI representative left Mr. West voicemails on January 13, January 21, and January 28. (Ex. 2, pp. 7-8) When no one from McDonald's or Gallagher Bassett returned her calls, the PCI representative ceased attempts to obtain workers' compensation information on May 3, 2022. (Ex. 2, p. 8)

Martinez returned to work on January 15, 2022. (Hr. Tr., p. 23) She did not receive workers' compensation benefits during the three-week period that she was off work. (Hr. Tr., pp. 23-24) Martinez asserts that she contacted the defendant employer on multiple occasions to inquire about workers' compensation benefits; however, her manager never followed up with her. (Hr. Tr., pp. 23-25) Martinez further asserts she never received a formal denial letter from defendants. (Hr. Tr., p. 25) There is no evidence defendants provided a factual or legal explanation of their investigation or the basis for their denial.

The defendants have stipulated that claimant sustained an injury, which arose out of and in the course of her employment, on December 24, 2021. (Hearing Report, p. 1) Dr. Coester returned claimant to work with restrictions on January 12, 2022. (Ex. 2, p. 11) Claimant's first day back to work was January 15, 2022. (Hr. Tr., p. 23) I find claimant was off work and in a period of recovery between December 25, 2021, and January 14, 2022.

Physical therapy was initiated on January 26, 2022. (Ex. 3, p. 1) At the initial session, claimant reported pain in the left elbow, left wrist, left shoulder, and neck. (Id.) She demonstrated decreased range of motion and strength. (Id.) She also conveyed that the work being assigned to her at McDonald's exceeded her then-current restrictions. (Id.) It was recommended that claimant attend rehabilitative therapy twice per week for approximately 8 weeks. (Ex. 3, p. 4)

Claimant ultimately presented for physical therapy between January 26, 2022, and February 18, 2022. (Ex. 3, pp. 1-21) She demonstrated steady improvement with each appointment. For instance, by her second appointment, claimant was only lacking nine degrees of elbow extension and she demonstrated full active supination. (Ex. 3, p. 11) Unfortunately, she also demonstrated "very poor" grip strength. (Id.) Claimant's left elbow extension appeared to be equal to her right elbow extension at her February 18, 2022, appointment. (Ex. 3, p. 21) Despite recommendations to continue, claimant could not return to physical therapy following her February 18, 2022, session for financial reasons. (See Ex. 3, p. 22)

Martinez has not received any treatment for her left arm since the February 18, 2022, physical therapy appointment. However, she testified she continued to experience ongoing symptoms in her left arm. She testified she did not obtain additional treatment because her insurance denied her requests, citing that the care requested was related to a work comp injury. (See Hr. Tr., pp. 29-30, 32) She is requesting an order instructing defendants to authorize ongoing medical care, including physical therapy. (Hr. Tr., pp. 30-31)

As of the date of hearing, Martinez's self-imposed restrictions consist of not lifting anything weighing more than 20 pounds with her left hand. She asserts that she does not have full range of motion in her left arm, and her left arm is now significantly shorter than her right arm due to the lack of treatment she received. (Hr. Tr., pp. 26-27)

Martinez first seeks an award of temporary disability, or healing period benefits, for the time she was off work between December 25, 2021, and January 14, 2022. Claimant was clearly taken off work and placed on restrictions by Dr. Coester on December 28, 2021. (Ex. 2, p. 11) Martinez was off work from December 25, 2021, until she returned to work on January 15, 2022. Defendants dispute entitlement to temporary benefits, but stipulate that claimant was off work during this period of time. I find that claimant established she was not working, was not at maximum medical improvement, and was not capable of substantially similar employment between December 25, 2021, and January 14, 2022.

In addition to temporary benefits, Martinez seeks an award of past medical expenses. The expenses are located at Claimant's Exhibit 1, page 9 and Claimant's Exhibit 6. Martinez is requesting reimbursement of \$745.00 owed to Physician's Clinic of Iowa, P.C. for treatment she received between December 28, 2021, and January 15, 2022. She is also requesting reimbursement for \$30.00 owed to Mercy Medical Center in Hiawatha, Iowa for treatment she received on December 24, 2021. (Ex. 1, p. 9) The care claimant received was for the alleged left arm condition. I find the medical expenses are causally related, reasonable, and necessary.

Martinez argues that she requires ongoing and future medical treatment and that she has not yet achieved maximum medical improvement. In doing so, claimant implies that the issue of permanency is not ripe for determination. Indeed, no physician has placed claimant at maximum medical improvement or provided an impairment assessment. The evidentiary record supports a finding that claimant is not at maximum medical improvement as it relates to the left arm condition. It is currently unknown whether the injury to the left arm will result in permanent impairment. As such, I find the issue of permanency is not ripe for adjudication.

Martinez is not seeking alternate medical care under Iowa Code section 85.27; however, she is requesting the authorization of ongoing medical treatment. (Hr. Tr., p. 28) This is a recently accepted claim and no physician has placed claimant at maximum medical improvement. As such, the employer shall furnish reasonable medical services for the left arm condition.

Lastly, Martinez asserts a claim for penalty benefits, contending that defendants delayed or denied weekly benefits. Martinez established conclusively that defendants denied liability and have paid no weekly benefits in this claim. Therefore, I find that Martinez has proven a delay or denial of weekly benefits.

Defendants contend they were aware of Martinez's slip and fall; however, they were unaware that she was claiming the same was a work-related injury until Martinez filed a petition for workers' compensation benefits. Defendants further contend they were initially prevented from conducting any additional investigation due to claimant refusing to present for a deposition or respond to discovery requests. Because

claimant's deposition was not conducted until February 28, 2023, ten days before the 30-day deadline, defendants argue they were never given an opportunity to conclude their investigation.

Defendants' allegations regarding claimant's cooperation with discovery are certainly concerning; however, they do not excuse the initial lack of investigation following the work-related injury.

Martinez testified she reported the injury to her assistant manager shortly after the injury occurred. She further testified that between the date of injury and December 28, 2021, she contacted her store manager and relayed that she was scheduled to present to the Physicians' Clinic of Iowa for her work injury. (Hr. Tr., pp. 20-21) The medical records from the Physicians' Clinic of Iowa detail a conversation between a PCI representative and an individual alleged to be claimant's manager. The records support a finding that claimant's manager was aware of the slip and fall on December 24, 2021. The manager filed the claim as an "incident" and not a workers' compensation injury as Martinez had finished her shift and was leaving when she slipped on the wet floor. (Ex. 2, p. 7) The medical records further indicate that the PCI representative communicated with defendants on a number of occasions regarding the alleged work injury.

Despite the above communications, there is no evidence defendants conducted an investigation of Martinez's claim. If defendants conducted an investigation, I identify no evidence in this record demonstrating the defendants contemporaneously conveyed the basis for their denial of benefits to Martinez.

I find defendants failed to prove they had a reasonable basis for the denial or delay of benefits. I find that the employer failed to produce any evidence of having conducted a reasonable investigation of this claim. I find defendants produced no evidence of communication of their alleged basis or bases for denying Martinez's claim. Ultimately, I find the defendants failed to prove a reasonable basis for delay or denial as well as failed to prove they communicated the alleged basis for denial.

Costs will be addressed in the conclusions of law section.

CONCLUSIONS OF LAW

The first issue to be decided is whether claimant has reached maximum medical improvement for her left arm condition. The Iowa Supreme Court has described MMI as "stabilization of the condition or at least a finding that the condition is 'not likely to remit in the future despite medical treatment.'" Bell Bros. Heating & Air Conditioning v. Gwinn, 779 N.W.2d 193, 200 (Iowa 2010) (citation omitted).

In the matter at hand, no physician has placed claimant at MMI with respect to the left wrist or left arm conditions. As a result, I found claimant has not reached MMI for her condition. I therefore conclude claimant's claim for permanent disability is not yet ripe for determination. Claimant has not received the care she needs and desires. Such treatment should be undertaken before a determination of claimant's permanent disability occurs.

The next issue to be addressed is whether claimant is entitled to temporary disability benefits.

The Iowa Supreme Court has specifically noted that a claimant's healing period terminates whenever the first of three factors in Iowa Code section 85.34(1) is met. Evenson v. Winnebago Industries, Inc., 881 N.W.2d 360 (Iowa 2016). The factors are whether (1) "the employee has returned to work," (2) "it is medically indicated that significant improvement from the injury is not anticipated" (MMI), or (3) "the employee is medically capable of returning to employment substantially similar to the employment in which the employee was engaged at the time of injury." Iowa Code § 85.34(1).

It is well settled in Iowa that a healing period may be intermittent. Waldinger Corp. v. Mettler, 817 N.W.2d 1 (Iowa 2012); Teel v. McCord, 394 N.W.2d 405 (Iowa 1986). Healing period may terminate and then begin again. Willis v. Lehigh Portland Cement Co., I-2 Iowa Ind. Comm'r Decisions 485 (Review Reopening 1984); Clemens v. Iowa Veterans Home, I-1 Iowa Industrial Comm'r Decisions 35 (Review Reopening 1984); Riesselman v. Carroll Health Center, III Iowa Ind. Comm'r Report 209 (App. 1982); Junge v. Century Engineering Corp., II Iowa Industrial Comm'r Report 219 (App. 1981). In multiple healing period scenarios, permanent partial disability is due and payable after the end of the first healing period and this is the time interest on unpaid benefits begins. Teel v. McCord, 394 N.W.2d 405 (Iowa 1986).

The defendants stipulate that claimant sustained a left arm injury, which arose out of and in the course of her employment, on December 24, 2021. (Hearing Report, p. 1) Dr. Coester returned claimant to work with restrictions on January 12, 2022. (Ex. 2, p. 11) Claimant's first day back to work was January 15, 2022. (Hr. Tr., p. 23) I find claimant was off work and in a period of recovery between December 25, 2021, and January 14, 2022.

Martinez quit working for the defendant employer shortly after returning to work from her injury. She subsequently worked for Silver Oaks, Linn Manor, and Casey's General Store. Claimant does not qualify for additional temporary total, temporary partial, or healing period benefits at this time. Unfortunately, Martinez is in a unique position where she is not at MMI, but she is also not entitled to a running award of temporary benefits.

In the hearing report, the parties stipulated that claimant's gross earnings were \$237.77 per week. Martinez was single and entitled to one exemption at the time of her injury. According to the Commissioner's Ratebook spreadsheet for injuries occurring between July 1, 2021, and June 30, 2022, Martinez's applicable weekly workers' compensation rate is \$208.39. I conclude all weekly compensation benefits should be awarded at this rate.

Martinez asserts that defendants unreasonably delayed and/or denied her weekly benefits in this case and that defendants should be ordered to pay penalty benefits pursuant to Iowa Code section 86.13. More specifically, claimant contends defendants denied her claim and have not established they conducted a timely and reasonable investigation or that they contemporaneously conveyed the basis for their

denial. Defendants contend claimant's claim was fairly debatable because she did not cooperate with their investigation into her allegations.

Under Iowa's worker's compensation scheme, penalty benefits may be imposed against an employer pursuant to Iowa Code section 86.13(4) under certain circumstances.

Under the statute's plain language, if there is a delay in payment absent "a reasonable or probable cause or excuse," the employee is entitled to penalty benefits, of up to fifty percent of the amount of benefits that were denied, delayed, or terminated without reasonable or probable cause or excuse. Iowa Code § 86.13(4); see also Christensen v. Snap-On Tools Corp., 554 N.W.2d 254, 260 (Iowa 1996) (citing earlier version of the statute). "The application of the penalty provision does not turn on the length of the delay in making the correct compensation payment." Robbennolt v. Snap-On Tools Corp., 555 N.W.2d 229, 236 (Iowa 1996). If a delay occurs without a reasonable excuse, the commissioner is required to award penalty benefits in some amount to the employee. (Id.)

The statute requires the employer or insurance company to conduct a "reasonable investigation and evaluation" into whether benefits are owed to the employee, the results of the investigation and evaluation must be the "actual basis" relied on by the employer or insurance company to deny, delay, or terminate benefits, and the employer or insurance company must contemporaneously convey the basis for the denial, delay, or termination of benefits to the employee at the time of the denial, delay, or termination of benefits. Iowa Code § 86.13(4). An employer may establish a "reasonable cause or excuse" if "the delay was necessary for the insurer to investigate the claim," or if "the employer had a reasonable basis to contest the employee's entitlement to benefits." Christensen, 554 N.W.2d at 260. "A 'reasonable basis' for denial of the claim exists if the claim is 'fairly debatable.'" Burton v. Hilltop Care Ctr., 813 N.W.2d 250, 267 (Iowa 2012). "Whether a claim is 'fairly debatable' can generally be determined by the court as a matter of law." (Id.) The issue is whether the employer had a reasonable basis to believe no benefits were owed to the claimant. (Id.) "If there was no reasonable basis for the employer to have denied the employee's benefits, then the court must 'determine if the defendant knew, or should have known, that the basis for denying the employee's claim was unreasonable.'" (Id.)

Benefits must be paid beginning on the eleventh day after the injury, and "each week thereafter during the period for which compensation is payable, and if not paid when due," interest will be imposed. Iowa Code § 85.30. In Robbennolt, the Iowa Supreme Court noted, "[i]f the required weekly compensation is timely paid at the end of the compensation week, no interest will be imposed As an example, if Monday is the first day of the compensation week, full payment of the weekly compensation is due the following Monday." Robbennolt, 555 N.W.2d at 235. A payment is "made" when the check addressed to the claimant is mailed, or personally delivered to the claimant. Meyers v. Holiday Express Corp., 557 N.W.2d 502, 505 (Iowa 1996) (abrogated by Keystone Nursing Care Ctr. v. Craddock, 705 N.W.2d 299 (Iowa 2005) (concluding the employer's failure to explain to the claimant why it would not pay permanent benefits

upon the termination of healing period benefits did not support the commissioner's award of penalty benefits)).

Despite stipulating to the December 24, 2021, work injury, there is no evidence that defendants paid any TTD benefits prior to the evidentiary hearing. Defendants did not provide argument regarding claimant's entitlement to TTD benefits in their post-hearing brief. Therefore, I find claimant has established a delay in the payment of benefits as required by section 86.13(4).

Pursuant to section 86.13(4)(b)(2), the burden therefore shifts to the defendants to establish a reasonable or probable cause or excuse for the delay. Section 86.13(4)(c) sets forth the elements defendants must satisfy in order to establish the existence of a reasonable or probable cause or excuse for the delay.

Defendants contend they were aware of Martinez's slip and fall; however, they were unaware that she was claiming the same was a work-related injury until Martinez filed a petition for workers' compensation benefits. Defendants further contend they were initially prevented from conducting any additional investigation due to claimant refusing to present for a deposition or respond to discovery requests. Defendants assert claimant's lack of cooperation with discovery mitigates or excuses the delay in this case. Notably, the administrative record is devoid of any motions to compel discovery filed on behalf of defendants.

I find defendants did not establish that a timely and reasonable investigation occurred after claimant's report of injury. Claimant testified there were witnesses to her injury and she reported the injury to her manager immediately after it occurred. The defendant employer reported the incident to its insurer. In any event, representatives of the defendants were made aware that Martinez was reporting the incident as a work-related injury on January 13, 2022, at the latest. Nevertheless, no investigation was undertaken until claimant filed her petition. Without an investigation, including any medical opinions or evidence to support their denial, I find defendants had no reasonable cause or excuse for the denial of payment of benefits.

Additionally, defendants did not contemporaneously convey a basis for the delay or denial of benefits to Martinez. Iowa Code section 86.13(4)(c)(3). Defendants offer no evidence of the manner or timing of any investigation or conveyance of their denial to claimant. Defendants have failed to establish the existence of a reasonable or probable cause or excuse for their delay. I conclude that defendants failed to carry their burden of proof on the penalty issues, and a penalty award is appropriate in some amount. Iowa Code section 86.13.

The purpose of Iowa Code section 86.13 is both punishment for unreasonable conduct but also deterrence for future cases. (*Id.*) at 237. In this regard, the Commission is given discretion to determine the amount of the penalty imposed with a maximum penalty of 50 percent of the amount of the delayed, or denied, benefits. Christensen v. Snap-On Tools Corp., 554 N.W.2d 254, 261 (Iowa 1996).

Penalty benefits are applicable for the TTD benefits in question at the rate of 50 percent given the length of delay and the lack of investigation. Fifty (50) percent of \$625.17 is \$312.59.

Finally, claimant also seeks assessment of her costs. Assessment of costs is a discretionary function of the agency. Iowa Code section 86.40. Claimant has established she sustained a work-related injury and has recovered benefits in this contested case proceeding. Therefore, I conclude that it is appropriate to assess claimant's costs in some amount.

Martinez requests assessment of her filing fee (\$100.00). This request is reasonable and is assessed pursuant to 876 IAC 4.33(7).

ORDER

THEREFORE, IT IS ORDERED:

Defendants shall pay claimant temporary total disability benefits from December 25, 2021, through January 14, 2022.

All weekly benefits shall be paid at the rate of two hundred eight and 39/100 dollars (\$208.39) per week.

All accrued weekly benefits shall be paid in lump sum with interest pursuant to Iowa Code section 85.30.

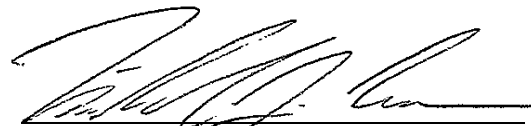
Defendants shall pay claimant penalty benefits pursuant to Iowa Code section 86.13(4) in the amount of three hundred twelve and 59/100 dollars (\$312.59).

Defendants shall reimburse claimant for any out-of-pocket medical expenses she paid, satisfy any outstanding medical expenses directly with the medical providers, and hold claimant harmless for all medical expenses contained in Exhibit 1 and Exhibit 6.

Defendants shall reimburse claimant's costs.

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 15th day of November, 2023.

A handwritten signature in black ink, appearing to read "Michael J. Lunn", is written over a horizontal line.

MICHAEL J. LUNN
DEPUTY WORKERS'
COMPENSATION COMMISSIONER

The parties have been served as follows:

Matthew Petrzeka (via WCES)

Stephen William Spencer (via WCES)

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, 10A) of the Iowa Administrative Code. The notice of appeal must be filed via Workers' Compensation Electronic System (WCES) unless the filing party has been granted permission by the Division of Workers' Compensation to file documents in paper form. If such permission has been granted, the notice of appeal must be filed at the following address: Workers' Compensation Commissioner, Iowa Division of Workers' Compensation, 150 Des Moines Street, Des Moines, Iowa 50309-1836. The notice of appeal must be received by the Division of Workers' Compensation 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 legal holiday.