

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

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LEROY PRESSLEY III,

Claimant,

vs.

JOHN DEERE HARVESTER WORKS,

Employer,  
Self-Insured,  
Defendant.

File No. 5050446

A P P E A L

D E C I S I O N

**FILED**

FEB 23 2018

WORKERS' COMPENSATION

Head Note Nos: 1802; 1803; 2500; 5-9998

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Claimant Leroy Pressley III appeals from an arbitration decision filed on August 16, 2016. Defendant John Deere Harvester Works, self-insured employer, responds to the appeal. The case was heard on October 27, 2015, and it was considered fully submitted in front of the deputy workers' compensation commissioner on December 3, 2015.

The deputy commissioner found claimant failed to carry his burden of proof that the total left knee replacement surgery claimant underwent on February 27, 2014, was causally related to the stipulated injury which arose out of and in the course of claimant's employment with defendant on January 4, 2013, as alleged. The deputy commissioner found the total knee replacement surgery was necessitated by claimant's pre-existing arthritic condition and his pre-existing degenerative joint disease of the left knee. Because the deputy commissioner found claimant failed to carry his burden of proof on the issues of causation and compensability regarding claimant's total knee replacement, the deputy commissioner found claimant is not entitled to receive temporary disability benefits or permanent disability benefits for the total knee replacement. The deputy commissioner found claimant is not entitled to receive payment by defendants for the requested medical expenses related to the total knee replacement. The deputy commissioner also found claimant is not entitled to taxation of requested costs against defendant.

Claimant asserts on appeal that the deputy commissioner erred in finding claimant failed to carry his burden of proof that his total knee replacement was causally related to the January 4, 2013, work injury. Claimant asserts the deputy commissioner erred in finding claimant failed to prove entitlement to temporary disability benefits and permanent disability benefits for the knee replacement. Claimant asserts the deputy

commissioner erred in finding claimant is not entitled to payment by defendant for the requested medical expenses related to the total knee replacement.

Defendant asserts on appeal that the arbitration decision should be affirmed in its entirety.

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 August 16, 2016, 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. I affirm the deputy commissioner's finding that claimant failed to carry his burden of proof that his total knee replacement was causally related to the January 4, 2013, work injury as alleged. I affirm the deputy commissioner's finding that claimant failed to prove entitlement to temporary disability benefits and permanent disability benefits for the total knee replacement. I affirm the deputy commissioner's finding that claimant is not entitled to payment by defendant for the requested medical expenses related to the total knee replacement. I affirm the deputy commissioner's finding that claimant is not entitled to taxation of requested costs against defendant. I affirm the deputy commissioner's findings, conclusions and analysis regarding those issues.

#### ORDER

IT IS THEREFORE ORDERED that the arbitration decision filed on August 16, 2016, is affirmed in its entirety.

Claimant shall take nothing from these proceedings.

Pursuant to rule 876 IAC 4.33, the parties shall pay their own costs of the arbitration proceeding, and claimant 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 23<sup>rd</sup> day of February, 2018.

*Joseph S. Cortese II*

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JOSEPH S. CORTESE II  
WORKERS' COMPENSATION  
COMMISSIONER

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