

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

JULIA FARRELL,

Claimant,

vs.

HY-VEE, INC.,

Employer,

and

EMC INSURANCE,

Insurance Carrier,
Defendants.

File No. 1591955.01

ARBITRATION DECISION

Head Note: 1803

STATEMENT OF THE CASE

Julia Farrell seeks workers' compensation benefits from the defendants, employer Hy-Vee, Inc. and insurance carrier EMC Insurance. The undersigned presided over an arbitration hearing on March 12, 2021, held by internet-based video by order of the Commissioner. Farrell participated personally and through attorney Channing L. Dutton. The defendants participated by and through attorney Dennis R. Riekenberg.

ISSUES

Under rule 876 IAC 4.19(3)(f), the parties jointly submitted a hearing report defining the claims, defenses, and issues submitted to the presiding deputy commissioner. The hearing report was approved and entered into the record via an order because it is a correct representation of the disputed issues and stipulations in this case. The parties identified the following disputed issues in the hearing report:

- 1) What is the nature and extent of permanent disability, if any, caused by the alleged injury?
- 2) Is Farrell entitled to taxation of the costs against the defendants?

STIPULATIONS

In the hearing report, the parties entered into the following stipulations:

- 1) An employer-employee relationship existed between Farrell and Hy-Vee at the time of the alleged injury.
- 2) Farrell sustained an injury on November 14, 2014, which arose out of and in the course of her employment with Hy-Vee.
- 3) The alleged injury is a cause of industrial disability.
- 4) The commencement date for permanent partial disability (PPD) benefits, if any are awarded, is November 18, 2019.
- 5) At the time of the stipulated injury:
 - a) Farrell's gross earnings were four hundred eighty-four and 60/100 dollars (\$484.60) per week.
 - b) Farrell was married.
 - c) Farrell was entitled to four exemptions.
- 6) Prior to hearing, the defendants paid to Farrell seventy-five (75) weeks of compensation at the rate of three hundred forty-four and 75/100 dollars (\$344.75) per week.

The parties' stipulations in the hearing report are accepted and incorporated into this arbitration decision. The parties are bound by their stipulations. This decision contains no discussion of any factual or legal issues relative to the parties' stipulations except as necessary for clarity with respect to disputed factual and legal issues.

FINDINGS OF FACT

The evidentiary record in this case consists of the following:

- Joint Exhibits (Jt. Ex.) 1 through 7;
- Claimant's Exhibits (Cl. Ex.) 2 through 4;
- Defendants' Exhibits (Def. Ex.) A through E; and
- Hearing testimony by Farrell and Callie Johnson, a Hy-Vee employee.

After careful consideration of the evidence and the parties' post-hearing briefs, the undersigned enters the following findings of fact.

Farrell was 47 years of age at the time of hearing. She graduated from high school in 1991. She underwent training as a flight attendant. (Testimony)

Beginning in 1994, Farrell worked for a company that made jeans. (Cl. Ex. 3, p. 3) Her job was to sew tacks on the fronts of pairs of jeans. (Cl. Ex. 3, p. 3) This required her to carry piles of jeans to her machine, where she would sew the tacks on, and then tossing each pair to the side after she was done. (Testimony)

From 1995 to 1998, Farrell worked for a food store as a scanning coordinator as well as in catering and as a cashier. (Cl. Ex. 3, p. 4) In 1999, she took the job of manager at Sanborn Golf and Country Club, which included a variety of tasks such as bartending, cooking, serving meals, and overseeing the pro shop and beer cart. (Cl. Ex. 3, p. 4) In addition, Farrell had to perform managerial tasks relating to inventory, payroll, accounts receivable, and human resources. (Testimony)

Farrell went to work at a restaurant as a server, hostess, and manager. (Cl. Ex. 3, p. 4) This required serving food and drinks, food preparation, and managing payroll and payments to vendors. (Cl. Ex. 3, p. 4; Testimony) She also had a say in the pricing of menu items. (Testimony)

In 2000, Farrell took a job with a grocery store. (Cl. Ex. 3, p. 4) She worked in the bakery, kitchen, produce section, as a cashier, on pricing, and performed bookkeeping duties. (Cl. Ex. 3, p. 4; Testimony) Farrell also supervised other employees. (Testimony)

Farrell next worked for Hy-Vee in Sioux Falls, South Dakota. (Cl. Ex. 3, p. 4) She worked in customer service until going on maternity leave. (Cl. Ex. 3, p. 4) Farrell then moved back to Iowa. (Testimony)

Her next job was at a Fareway grocery store starting in January of 2002. (Cl. Ex. 3, p. 4) Farrell returned to employment with Hy-Vee in August of that year. (Cl. Ex. 3, p. 4) She prepared schedules as a shift supervisor while working in customer service and then as an assistant bookkeeper. (Cl. Ex. 3, p. 4)

In March of 2004, Farrell returned to the job of manager at Sanborn Golf and Country Club. (Cl. Ex. 3, p. 4) But later that year she went back to Hy-Vee for a stint that lasted until 2006, when she gave birth to her second child. (Cl. Ex. 3, p. 4) Farrell stayed home to care for her children from then until March 2007. (Cl. Ex. 3, p. 4)

Hy-Vee hired Farrell again in March of 2007. (Cl. Ex. 3, p. 5) She worked in inventory, catering, bagging, and training. (Cl. Ex. 3, p. 5) Hy-Vee promoted Farrell to manager of the garden center in 2007, but she also continued working in inventory. (Cl. Ex. 3, p. 5)

On November 14, 2014, Farrell was performing inventory in the dairy department at Hy-Vee when her shoe caught the corner of a pallet. (Testimony) She fell forward to the floor, in a way similar how Superman is depicted flying, and landed on her side. (Jt. Ex. 1, p. 2; Jt. Ex. 2, p. 1; Testimony) Farrell heard "a big crack" when she fell. (Jt. Ex. 1, p. 2) Coworkers summoned an ambulance, which took Farrell to Crawford County Memorial Hospital. (Jt. Ex. 1, pp. 1–2; Testimony)

Farrell experienced significant back and pelvis pain. (Jt. Ex. 1, p. 2; Jt. Ex. 2, p. 1) Christopher Nelson, D.O., at Des Moines Orthopedic Surgeons (DMOS), ultimately took over care due to magnetic resonance imaging (MRI) of her hip showing a possible labral tear. (Jt. Ex. 2, pp. 2–9) After Farrell's pain worsened following injections, Dr. Nelson ordered another MRI, which showed a labral tear. (Jt. Ex. 3, pp. 1–6) Dr. Nelson believed Farrell was a candidate for a periacetabular osteotomy because of pre-existing dysplasia at the tear site, so he referred her to John Clohisy, M.D., at Washington University Orthopedics in St. Louis. (Jt. Ex. 3, p. 7)

On October 21, 2015, Dr. Clohisy performed right hip arthroscopy with labral repair, osteochondroplasty, and a periacetabular osteotomy. (Jt. Ex. 4, p. 6; Jt. Ex. 6, pp. 1–3) After post-surgery rehabilitation, Dr. Clohisy released Farrell to return to work on February 15, 2016. (Jt. Ex. 4, p. 6) He assigned work restrictions of working four-hour days for two weeks, then advancing to her full work schedule as tolerated, and avoiding standing and walking, if possible. (Jt. Ex. 4, p. 1)

Dr. Clohisy prescribed physical therapy for gait training two times a week for one month and scheduled a follow-up exam in one year's time. (Jt. Ex. 4, p. 1) He maintained the reduced hour restrictions and assigned additional restrictions through March 28, 2016, of no ladders, no stairs, no lifting more than twenty-five pounds, and a fifteen-minute break every one to two hours, as needed. (Jt. Ex. 4, pp. 7–10)

Farrell continued to work at Hy-Vee in accordance with her work restrictions. Hy-Vee accommodated her functional limitations, allowing her to sit on a stool in the flower shop. According to credible testimony by Johnson, another Hy-Vee employee at the store, Farrell's accommodated job duties effectively constituted a new and unique position. (Testimony) On April 22, 2016, Farrell resigned from employment with Hy-Vee to take a job with New Hope. (Cl. Ex. 3, p. 5; Def. Ex. B, p. 4) Farrell was earning an hourly wage of between \$12.25 and \$12.30 per hour at the time of her resignation. (Testimony; Def. Ex. B, p. 4)

At New Hope, Farrell worked assisting elderly clients with daily needs such as brushing their teeth, cooking meals, and packing lunches. (Testimony) She earned between \$11.00 and \$12.00 per hour. (Testimony) Farrell did not seek an accommodation to allow her to perform her job duties at New Hope. (Testimony) She credibly testified she felt comfortable responding to an emergency involving a client even if it entailed getting down on the ground to provide assistance. (Testimony) Farrell resigned from New Hope on August 30, 2016. (Def. Ex. C, p. 11)

Denison Community Schools hired Farrell on August 15, 2016, to work in the school kitchen. (Def. Ex. D, p. 12) She was able to perform the job duties of washing dishes and preparing meals without accommodation. (Testimony) Initially, Farrell's hourly wage was \$11.25 at the school. (Testimony)

On October 18, 2016, Dr. Clohisy and Rob Wojahn, M.D., saw Farrell for her one-year post-surgery appointment. (Jt. Ex. 4, pp. 11–12) Dr. Wojahn noted:

She states she is still having some groin pain as well as a “pulling” sensation in the anterior groin with longer periods of activity and hip extension. She was actually forced to change jobs to one where she has the ability to take a break every 2-3 hours which she states has helped her symptoms quite a bit.

(Jt. Ex. 3, p. 11)

Because of her ongoing pain complaints, they prescribed an injection and recommended a second surgery to remove a screw. (Jt. Ex. 4, pp. 11–12) Farrell received the injection at DMOS on November 19, 2016, which provided about three months of relief. (Jt. Ex. 3, pp. 9–11) Dr. Clohisy performed the screw-removal surgery on January 23, 2017. (Jt. Ex. 6, pp. 4–5) Farrell saw Dr. Clohisy for a follow-up exam on October 24, 2017. (Jt. Ex. 4, p. 14)

On November 15, 2017, Erin Schechinger, A.R.N.P., saw Farrell at DMOS for a recheck of her hip. (Jt. Ex. 3, p. 11) She requested another hip injection because of ongoing pain complaints. (Jt. Ex. 3, p. 11) Schechinger administered another intraarticular cortisone injection that day. (Jt. Ex. 3, p. 12) It provided her with good relief. (Jt. Ex. 3, p. 13)

On January 23, 2018, Farrell saw Dr. Clohisy for another follow-up exam. (Jt. Ex. 4, p. 17) He noted she was doing well. (Jt. Ex. 4, p. 17) They scheduled a five-year follow-up exam in three years. (Jt. Ex. 4, p. 17) Dr. Clohisy released her to return to work without any restrictions. (Jt. Ex. 4, p. 18)

Dr. Nelson saw Farrell for a determination of whether she had reached maximum medical improvement (MMI) on April 13, 2018. (Jt. Ex. 3, p. 13) Farrell complained of pain in her groin but reported she could endure her current pain level while working in the school kitchen and had no other complaints. (Jt. Ex. 3, p. 13) Dr. Nelson was concerned about Farrell’s groin pain level and opined she would likely need surgery in the future, but he did not know when. (Jt. Ex. 3, p. 14) He placed her at MMI and instructed her to follow up as needed for additional care, including hip injections. (Jt. Ex. 3, p. 14)

Farrell returned to Dr. Nelson on August 31, 2018, for right hip pain that was mainly localized in the groin and constant in nature. (Jt. Ex. 3, p. 15) This pain had progressively worsened, especially during the month prior. (Jt. Ex. 3, p. 15) She rated her pain at nine on a scale from zero to ten. (Jt. Ex. 3, p. 15) Farrell reported the injection she received the month before provided about one day’s worth of relief. (Jt. Ex. 3, p. 15) Dr. Nelson ordered an MRI, which showed moderate to severe degenerative changes in her right hip, and he advised Farrell to proceed with hip replacement surgery. (Jt. Ex. 3, p. 17) On October 25, 2018, Dr. Nelson performed the surgery. (Jt. Ex. 6, pp. 6–8)

Farrell moved from Denison to Sanborn in late 2018. (Testimony) Because of the move, she resigned from her job with Denison Community Schools on November 18,

2018. (Testimony) She was earning \$14.55 per hour at the time of her resignation. (Testimony)

Farrell followed up with Dr. Nelson during her rehabilitation, and she gradually improved over time. (Jt. Ex. 3, pp. 18–23) Farrell obtained a shoe lift for her left shoe due to the discrepancy in her leg length caused by the surgery. (Jt. Ex. 3, pp. 18-19) On November 8, 2019, Dr. Nelson found Farrell to have reached MMI and released her from care without permanent work restrictions. (Jt. Ex. 3, pp. 25, 27)

Hartley Melvin Sanborn School District hired Farrell as a substitute teacher in early 2019. (Def. Ex. E, p. 29; Cl. Ex. 3, p. 2; Testimony) She worked on an on-call basis, earning \$9.50 per hour. (Def. Ex. E, p. 29; Testimony) In June of 2019, she transferred to a librarian position, earning \$9.75 per hour. (Testimony) As a librarian, Farrell checks books in and out, shelves books, and organizes books by genre. (Testimony) She is able to reach the upper and lower shelves as needed. (Testimony) Farrell held this job at the time of hearing. (Testimony)

In a letter dated December 23, 2019, Dr. Nelson opined on Farrell's permanent functional impairment due to her work injury using Tables 17-33 and 17-34 of the Fifth Edition of the American Medical Association (AMA) Guides to the Evaluation of Permanent Impairment (Guides):

She has slight pain. I do not feel her pain is high enough to be moderate. This gives her 40 points. She occasionally has a slight limp which gives her 8 points. She does not use any supportive devices, which gives her 11 points. She can walk at least 6 blocks which gives her 8 points. She climbs stairs normally and without a railing, which is 4 points. She can put on socks and shoes with ease[], this is 4 points. She can sit in a chair for an hour, this is 4 points. She can use public transportation, this is one point. Under Categories D and E, she gets full points for having full range of motion. She does have a leg length discrepancy, but this is less than 1.5 cm.

In total, this gives her a value of 90 points. Using this value and taking it to table 17-33 on page 546, this gives her a good result from total hip arthroplasty, which results in a 15% whole person impairment rating, and a 37% lower extremity impairment rating.

(Jt. Ex. 3, p. 26)

EMC sent Dr. Nelson a letter inquiring about Farrell's need for work restrictions. (Jt. Ex. 3, p. 27) In a letter dated January 6, 2021, Dr. Nelson responded to a letter from EMC regarding permanent work restrictions for Farrell. (Jt. Ex. 3, p. 27) In the letter he stated, "It has been more than a year since I saw her last, but she should not have any work restrictions after her hip replacement." (Jt. Ex. 3, p. 27)

On January 20, 2021, Dr. Nelson saw Farrell for complaints of right hip pain. (Jt. Ex. 3, p. 28) She reported “limitations, weakness, fatigue, and limping due to her leg length discrepancy” and “less pain than her preoperative status.” (Jt. Ex. 3, p. 28) Dr. Nelson reviewed radiographs and found Farrell’s implants stable. (Jt. Ex. 3, p. 29) He also conducted measurements and found her leg length discrepancy to be a “quite significant” 3 mm, describing his measurement from the radiographs as “clear and absolute.” (Jt. Ex. 3, pp. 28–29)

Dr. Nelson recommended a functional capacity evaluation (FCE) to determine her physical limitations. (Jt. Ex. 3, p. 29) Farrell underwent an FCE with E-3 Work Therapy Services on February 18, 2021. (Jt. Ex. 7, p. 1) Samuel Espey, D.P.T., classified Farrell’s effort as invalid because she performed inconsistently during a repeated measures protocol. (Jt. Ex. 4, p. 1)

When asked about the invalid determination for Farrell’s FCE by defense counsel, Dr. Nelson stated in an email this surprised him because he did not think Farrell was malingering and recommended a second FCE. (Jt. Ex. 3, p. 30) Dr. Nelson also stated he could not comment on potential work restrictions without an FCE. (Jt. Ex. 3, p. 30) A second FCE was not performed.

Farrell underwent an IME with Sunil Bansal, M.D., on December 1, 2020. (Cl. Ex. 2, p. 4) As part of the IME, Dr. Bansal performed an examination of Farrell and reviewed interrogatories from the litigation of this case, medical records for service unrelated to the stipulated work injury from October 30, 2007, through October 9, 2014, Crawford County Memorial Hospital and Clinics, DMOS, the Department of Medical Imaging at the Iowa Clinic, Washington University, Barnes-Jewish Hospital, Methodist West, and physical therapy records. (Cl. Ex. 2, pp. 4–16) On Farrell’s permanent functional impairment from the injury, Dr. Bansal opined:

With reference to the [Guides], Tables 17-33 and 17-34, she is assigned a 50% lower extremity impairment, or a 20% whole person impairment for having fair results from her right hip replacement.

Point Total:

30 for moderate occasional pain

5 for a moderate limp

11 for no supportive device

8 for being able to walk six blocks

2 for using handrails on the staircase

4 for being able to put on socks and shoes

4 for sitting in any chair

1 for ability to use public transport

0 points for having a leg length discrepancy greater than 1.5 cm. Physical therapy measured 2 cm, I measured 2.2 cm

5 points for good range of motion

Total is 70 points, qualifying in the fair range with a 50% lower extremity impairment, or a 20% whole person impairment.

(Cl. Ex. 2, p. 19)

Dr. Bansal assigned Farrell permanent work restrictions of avoiding multiple stairs, no prolonged sitting or standing greater than forty-five minutes at a time, no walking greater than thirty minutes at a time, and no frequent kneeling or squatting. (Cl. Ex. 2, p. 22) He signed and dated his IME report on January 7, 2021. (Cl. Ex. 2, p. 22)

CONCLUSIONS OF LAW

In 2017, the Iowa legislature amended the Iowa Workers' Compensation Act. See 2017 Iowa Acts, ch. 23. The 2017 amendments apply to cases in which the date of an alleged injury is on or after July 1, 2017. Id. at § 24(1); see also Iowa Code § 3.7(1). Because the injury at issue in this case occurred before July 1, 2017, the Iowa Workers' Compensation Act in effect before the 2017 amendments applies. Smidt v. JKB Restaurants, LC, File No. 5067766 (App. Dec. 11, 2020).

1. Permanent Disability.

Farrell sustained a work injury to her hip. The parties stipulated she has sustained an industrial disability but dispute the extent of her loss of earning capacity. The factors considered when deciding extent of industrial disability are: functional disability, age, education, qualifications, work experience, inability to engage in similar employment, earnings before and after the injury, motivation to work, personal characteristics, and the employer's inability to accommodate the functional limitations. See id.; Neal v. Annett Holdings, Inc., 814 N.W.2d 512, 526 (Iowa 2012); IBP, Inc. v. Al-Gharib, 604 N.W.2d 621, 632–33 (Iowa 2000); Ehlinger v. State, 237 N.W.2d 784, 792 (Iowa 1976).

One factor used to determine industrial disability is the injured employee's functional impairment from the work injury. Dr. Nelson assigned Farrell a fifteen percent impairment to the whole body. Dr. Bansal found her to have sustained a twenty percent whole person impairment.

Dr. Nelson's opinion is dated December 23, 2019. He assigned her ninety points under Table 17-34 of the Guides based on her physical capabilities and leg length discrepancy at the time, which he stated was less than 1.5 cm. On January 20, 2021, Dr. Nelson examined Farrell and noted she complained of "limitations, weakness, fatigue, and limping due to her length discrepancy" and was "cautious with climbing ladders and stairs." At this time, he measured her leg length discrepancy from preoperative to postoperative at 3 mm, higher than his earlier opinion. However, there is no indication Dr. Nelson changed his permanent impairment rating to reflect this change or Farrell's symptoms and physical capabilities at the time. Consequently, Dr. Bansal's opinion on functional impairment is more persuasive and is adopted.

Dr. Nelson opined he could not comment on permanent work restrictions without an FCE. After Farrell's FCE was deemed invalid, he suggested the defendants arrange for a second FCE. But the defendants did not do so. As a result, Dr. Nelson did not opine on what, if any, work restrictions he felt Farrell needed due to the work injury.

Notably, Dr. Nelson did not state Farrell requires no permanent work restrictions, even after her FCE was deemed invalid. Given the extensive treatment Farrell required for her hip injury and credible ongoing complaints, the evidence shows Dr. Bansal's work restrictions are reasonable. The work restrictions assigned by Dr. Bansal are adopted.

Farrell was 47 years of age at the time of hearing. She has a limited educational and formal postsecondary training background. It is unlikely Farrell will return to school at this stage in her life.

Farrell has demonstrated she is motivated to work. She continued to work at Hy-Vee after her injury and while in pain. Farrell then got a new job at New Hope because she felt her physical limitations would not allow her to return to her previous job duties at Hy-Vee. Shortly thereafter, Denison Community Schools hired her to work in the kitchen. After Farrell had to quit that employment because she moved, she got a job as an on-call substitute teacher to get her foot in the door at Hartley Melvin Sanborn and was then able to get her current job as a librarian.

With respect to the positions Farrell has held during her working life, it is likely she could perform work with job duties consisting solely of the sedentary managerial and human resources duties she has performed in the past. She has also demonstrated she can perform job duties like those in a school kitchen or library despite her work restrictions.

Farrell earned more working at New Hope and in the kitchen for the Denison Community Schools than she made at Hy-Vee. There is no indication her physical limitations were a factor in her leaving either job. Working at the library for Hartley Melvin Sanborn School District, she was earning about what she made at Hy-Vee. Thus, Farrell has been able to earn about what she made at Hy-Vee or more since her work injury.

However, the industrial disability inquiry focuses on lost earning capacity, not lost earnings. See *Clark v. Vicorp Rest., Inc.*, 696 N.W.2d 596, 605 (Iowa 2005). The evidence shows Farrell's functional limitations have had a negative impact on her ability to perform the duties of some of the jobs she held before her work injury at Hy-Vee. Farrell has experienced an injury-caused reduction in earning capacity.

It is unlikely she would be able to return to work as a server or bartender given her physical limitations. It is also more likely than not she would be precluded from returning to work at a grocery store in a non-managerial position similar in nature to those she has held at grocery stores in the past. For example, given Farrell's ongoing symptoms and permanent work restrictions, it is more likely than not she could not have

returned to working the job duties she was working at the time of her injury. Hy-Vee effectively performed a job carve-out by reducing her job duties to accommodate her restrictions.

While Farrell is still capable of performing sedentary management duties, her work history does not include much in the way of management jobs that were sedentary in nature. Rather, she has performed managerial duties in concert with other more physically demanding job duties. Farrell's functional limitations prevent her from returning to these types of hybrid positions with more physically demanding requirements. It is unlikely she could perform some of the more physically demanding duties of the hybrid manager jobs she held at the country club, the restaurant, or at Hy-Vee.

For these reasons, the weight of the evidence establishes Farrell has sustained industrial disability of forty percent due to the stipulated work injury to her hip. This entitles her to two hundred (200) weeks of permanent partial disability benefits (forty percent multiplied by five hundred weeks equals two hundred weeks), commencing on the stipulated date of November 18, 2019.

2. Rate.

The parties stipulated Farrell's gross earnings at the time in question were four hundred eighty-four and 60/100 dollars (\$484.60) per week. They also stipulated she was married and entitled to four exemptions. Farrell's weekly rate for workers' compensation benefits is therefore three hundred forty-four and 75/100 dollars (\$344.75).

3. Costs.

"All costs incurred in the hearing before the commissioner shall be taxed in the discretion of the commissioner." Iowa Code § 86.40. "Fee-shifting statutes using 'all costs' language have been construed 'to limit reimbursement for litigation expenses to those allowed as taxable court costs.'" Des Moines Area Regional Transit Auth. v. Young, 867 N.W.2d 839, 846 (Iowa 2015) (quoting City of Riverdale v. Diercks, 806 N.W.2d 643, 660 (Iowa 2011)). Statutes and administrative rules providing for recovery of costs are strictly construed. Id. (quoting Hughes v. Burlington N. R.R., 545 N.W.2d 318, 321 (Iowa 1996)).

Farrell prevailed in this case, so she is entitled to taxation against the defendants of the following costs:


- Service of the original notice totaling six and 47/100 dollars (\$6.47) under 876 IAC 4.33(3); and
- Filing fee of one hundred three and 00/100 dollars (\$103.00) under 876 IAC 4.8(2)(f), 4.33(7).

ORDER

Based on the above findings of fact and conclusions of law, it is ordered:

- 1) The defendants shall pay to Farrell two hundred (200) weeks of permanent partial disability benefits at the rate of three hundred forty-four and 75/100 dollars (\$344.75) per week from the stipulated commencement date of November 18, 2019.
- 2) The defendants shall pay accrued weekly benefits in a lump sum.
- 3) The defendants shall pay interest on unpaid weekly benefits awarded herein as set forth in Iowa Code section 85.30.
- 4) The defendants shall be given the credit for benefits previously paid for the stipulated amount of seventy-five (75) weeks of compensation at the rate of three hundred forty-four and 75/100 dollars (\$344.75) per week.
- 5) The defendants shall pay to Farrell the following amounts for the following costs:
 - a. One hundred three and 00/100 dollars (\$103.00) for the filing fee; and
 - b. Six and 47/100 dollars (\$6.47) for the service of the original notice.
- 6) The defendants shall file subsequent reports of injury as required by Rule 876 IAC 3.1(2).

Signed and filed this 14th day of February, 2022.


BENJAMIN G. HUMPHREY
DEPUTY WORKERS'
COMPENSATION COMMISSIONER

The parties have been served, as follows:

Channing Dutton (via WCES)

Dennis Riekenberg (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, 86) 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.