

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

ZARPKA GREEN,

Claimant,

vs.

TPI COMPOSITES,

Employer,

and

INSURANCE COMPANY OF THE  
STATE OF PENNSYLVANIA,

Insurance Carrier,  
Defendants.

FILED  
FEB 27 2019  
WORKERS' COMPENSATION  
File No. 5061214

APPEAL

DECISION

Head Note Nos: 1108.50; 1802; 1803;  
5-9998

Defendants TPI Composites, employer, and its insurer, Insurance Company of the State of Pennsylvania, appeal from an arbitration decision filed on October 31, 2017, and from a ruling on application for rehearing filed on November 16, 2017. Claimant Zarpka Green responds to the appeal. The case was heard on June 14, 2017, and it was considered fully submitted in front of the deputy workers' compensation commissioner on July 24, 2017.

The deputy commissioner found claimant is entitled to receive healing period benefits from February 23, 2016, through August 4, 2016, as a result of the stipulated injury which arose out of and in the course of claimant's employment with defendant-employer on January 4, 2016. The deputy commissioner found claimant sustained 30 percent industrial disability as a result of the work injury, which entitles claimant to receive 150 weeks of permanent partial disability (PPD) benefits commencing on August 5, 2016. The deputy commissioner found claimant is not entitled to receive penalty benefits.

Defendants assert on appeal that the deputy commissioner erred in finding claimant is entitled to receive healing period benefits from February 23, 2016, through August 4, 2016. Defendants assert it should be found on appeal that claimant is not entitled to receive any healing period benefits. Defendants assert the deputy commissioner erred in finding claimant sustained 30 percent industrial disability as a result of the work injury. Defendants assert the award for industrial disability should be reversed or, in the alternative, it should be reduced substantially.

Claimant 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 October 31, 2017, and the ruling on application for rehearing filed on November 16, 2017, which relate to the issues properly raised on intra-agency appeal.

I find the deputy commissioner provided a well-reasoned analysis of all of 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 is entitled to receive healing period benefits from February 23, 2016, through August 4, 2016, for the work injury. I affirm the deputy commissioner's finding that claimant sustained 30 percent industrial disability as a result of the work injury. I affirm the deputy commissioner's finding that claimant is not entitled to receive penalty benefits. I affirm the deputy commissioner's findings, conclusions and analysis regarding those issues.

#### ORDER

IT IS THEREFORE ORDERED that the arbitration decision filed on October 31, 2017, and the ruling on application for rehearing filed on November 16, 2017, are affirmed in their entirety.

Defendants shall pay claimant healing period benefits from February 23, 2016, through August 4, 2016, at the weekly rate of four hundred eighty-two and 50/100 dollars (\$482.50).

Defendants shall pay claimant one hundred fifty (150) weeks of permanent partial disability benefits at the weekly rate of four hundred eighty-two and 50/100 dollars (\$482.50), commencing on August 5, 2016.

Defendants shall receive a credit for all benefits previously paid.

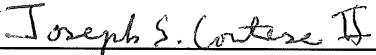
Defendants shall pay accrued weekly benefits in a lump sum together with interest at the rate of ten percent for all weekly benefits payable and not paid when due which accrued before July 1, 2017, and all interest on past due weekly compensation benefits accruing on or after July 1, 2017, shall be payable 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. See Gamble v. AG Leader Technology, File No. 5054686 (App. Apr. 24, 2018).

Pursuant to rule 876 IAC 4.33, defendants 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 27<sup>th</sup> day of February, 2019.

  
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JOSEPH S. CORTESE II  
WORKERS' COMPENSATION  
COMMISSIONER

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