

Defendants assert on appeal that the deputy commissioner erred in allowing claimant to introduce the late report from Dr. Delbridge into evidence at the arbitration hearing. Defendants assert that the deputy commissioner erred in allowing claimant to depose Dr. Delbridge after the arbitration hearing. Defendants assert that the deputy commissioner erred in finding claimant carried his burden of proof that he sustained bilateral shoulder injuries which arose out of and in the course of claimant's employment with defendant-employer on February 21, 2012. Defendants assert the deputy commissioner erred in finding claimant proved entitlement to receive industrial disability benefits and in finding claimant sustained 20 percent industrial disability.

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.

Having performed a de novo review of the evidentiary record and the detailed arguments of the parties, 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 December 15, 2016, which relate to the issues properly raised on intra-agency appeal.

I find the deputy commissioner provided a well-reasoned analysis 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 find the deputy commissioner did not err in allowing claimant to introduce the late report from Dr. Delbridge into evidence at the arbitration hearing. I find the deputy commissioner did not err in allowing claimant to depose Dr. Delbridge after the arbitration hearing. I affirm the deputy commissioner's finding that claimant carried his burden of proof that he sustained permanent injuries to his bilateral shoulders which arose out of and in the course of claimant's employment with defendant-employer on February 21, 2012. I affirm the deputy commissioner's finding that claimant proved entitlement to receive industrial disability benefits and I affirm the deputy commissioner's finding that claimant sustained 20 percent industrial disability. as a result of the work injury. I affirm the deputy commissioner's finding that claimant's correct weekly benefit rate for the work injury is \$445.05 per week. I affirm the deputy commissioner's finding that claimant is entitled to payment by defendants for all of the requested past medical expenses itemized in Exhibit 2. I affirm the deputy commissioner's findings, conclusions and analysis regarding those issues.

ORDER

IT IS THEREFORE ORDERED that the arbitration decision filed on December 15, 2016, is affirmed in its entirety.

Defendants shall pay claimant one hundred (100) weeks of permanent partial disability benefits commencing on April 25, 2012, at the weekly rate of four hundred forty-five and 05/100 dollars (\$445.05).


Defendants shall be entitled to the stipulated credit against this award for all benefits paid to date.

Defendants shall pay accrued weekly benefits in a lump sum together with interest pursuant to Iowa Code section 85.30.

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 24th day of July, 2018.



JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

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