

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

JONATHAN SCHMIDT,

Claimant,

vs.

CITY OF WATERLOO, IOWA,

Self-Insured Employer,
Defendant.

File No. 5061305

ARBITRATION DECISION

Head Note Nos.: 1402.40, 1802, 1803,
2501, 2907, 3001

STATEMENT OF THE CASE

Jonathan Schmidt, claimant, filed a petition for arbitration against the City of Waterloo, Iowa, as the self-insured employer. This case came before the undersigned for an arbitration hearing on June 5, 2019, in Waterloo.

The evidentiary record includes Joint Exhibits 1 through 24. Claimant testified on his own behalf and called his wife, Talia Schmidt, to testify. Defendants called Todd Derifield and Cheryl Huddleston to testify. The evidentiary record closed at the conclusion of the arbitration hearing.

However, counsel for the parties requested an opportunity to file post-hearing briefs. Their request was granted. Post-hearing briefs were filed simultaneously on July 12, 2019, at which time the case was considered fully submitted to the undersigned.

ISSUES

The parties submitted the following disputed issues for resolution:

1. The extent of claimant's entitlement to temporary total disability, or healing period, benefits.
2. Whether claimant sustained a permanent disability as a result of the October 1, 2014 work injury and, if so, the extent of claimant's entitlement to permanent disability.
3. The claimant's gross weekly earnings and applicable weekly rate of compensation at which benefits should be paid.

4. Whether claimant is entitled to payment, reimbursement, or satisfaction of past medical expenses contained in Exhibit 14.
5. Whether costs should be assessed against either party.

FINDINGS OF FACT

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

At the time of hearing, Jonathan Schmidt was 30 years old. He is currently 31 years of age. Mr. Schmidt lives in Waterloo, Iowa. He is a high school graduate and testified that he was a "B" student. He attended Iowa State University and graduated in 2010 with a bachelor's of science degree in forestry. Mr. Schmidt is a right-hand dominant gentleman.

In the spring of 2011, claimant worked at an internship in Cerro Gordo County as a campground host. He maintained the campgrounds, served as the host, collected fees, and enforced park rules. However, this was only a short-term internship.

In August 2011, Mr. Schmidt moved to Idaho and took a job as a park ranger. He maintained park facilities, cleaned the facilities, maintained trails, weed whipped, trimmed trees, split wood and performed related customer service activities. However, claimant became homesick, left his position in Idaho in November 2011, and returned to Iowa.

Claimant took a job with an ethanol plant and performed duties that required him to maintain fermenters, change screens, take samples, and perform other various job duties in the ethanol plant. Again, this was a relatively short job for the claimant.

In February 2012, claimant obtained a job in a chemical plant in Waterloo, Iowa. He worked with food and agricultural grade chemicals. Claimant filled containers, labeled containers and moved those to their proper storage area.

Mr. Schmidt left his job at the chemical plant and took a position at another ethanol plant in December 2013. In his second stint with an ethanol plant, claimant maintained food grade corn oil for shipping and performed sampling and testing of the plant's products to ensure they remained within necessary specifications.

In July 2014, Mr. Schmidt obtained employment with the City of Waterloo's Park Department as a city forester. This job was specifically within claimant's training and degree in forestry. It required him to maintain City equipment, remove, trim, and clean-up trees and brush on city grounds. At the time he was hired by the City of Waterloo, Mr. Schmidt had no permanent medical restrictions and was physically capable of performing the job duties. (Claimant's testimony)

Mr. Schmidt was offered the job but required to successfully complete a probationary period before becoming a union protected member. His initial performance reviews suggested that he was progressing but had items left to learn before his probationary period ended. He received scheduled raises after each of the initial performance reviews. (Claimant's testimony)

Then, on October 1, 2014, Mr. Schmidt was performing assigned work duties for the City of Waterloo when he was injured. Claimant was trimming dead wood out of an oak tree. He was harnessed and roped into the tree. However, he lost his balance, fell off a branch, swung, and hit the trunk of the tree. In the process, claimant cut his left ear, injured his ribs, and injured his left shoulder. (Claimant's testimony)

Mr. Schmidt testified that he knew he injured his ribs because it was difficult to breathe after the accident. He also knew immediately that he had injured his left shoulder. He and his co-worker completed the clean up of the work site. Claimant then reported the injury and the City sent him for medical attention. (Claimant's testimony)

Claimant testified that his left ear laceration healed completely and he has no residual symptoms from that injury. Similarly, Mr. Schmidt testified that his ribs healed completely and he offered no ongoing complaints relative to his ribs. Neither of those injuries will be discussed further and it is found that both resolved without permanent disability.

However, Mr. Schmidt testified that he has ongoing left shoulder symptoms. He testified that it is difficult for him to lift away from his body and that he continues to have dull or burning pain in his left shoulder. As an example of his difficulties, Mr. Schmidt relayed difficulties painting a room in his home recently with use of his left arm above shoulder level. Nevertheless, none of claimant's treating physicians have imposed permanent work restrictions on claimant's left shoulder. (Claimant's testimony)

Shortly after the work injury, the City of Waterloo determined that claimant was not progressing satisfactorily and it terminated claimant's employment on October 22, 2014. (Exhibit 9, p. 14) Claimant remained within his probationary period when he was terminated. (Exhibit 9; Testimony of Todd Derifield; Testimony of Cheryl Huddleston) At the time of his termination, Mr. Schmidt earned \$23.31 per hour. (Exhibits 10, 18)

Claimant's treating physician, Lloyd John Luke, M.D., released Mr. Schmidt to return to work without medical restrictions as of November 3, 2014. (Exhibit 2, p. 47) However, Dr. Luke did not indicate at that time whether claimant was discharged from further care, had achieved maximum medical improvement, or whether he qualified for any permanent impairment.

The insurance carrier wrote to Dr. Luke, requesting that he address the issue of permanent impairment. Dr. Luke evaluated claimant again on December 18, 2014. In his report, dated December 26, 2014, he recorded full range of motion in claimant's left shoulder. Dr. Luke also noted that none of claimant's desired activities were stopped or

prohibited by the left shoulder, though claimant did report that he avoided certain positions with the left arm that caused symptoms. (Exhibit 2, p. 50) Dr. Luke ordered a right shoulder MRI, which demonstrated no evidence of a rotator cuff injury or internal derangement of the right shoulder on March 2, 2015. (Exhibit 2, pp. 52-53)

Dr. Luke opined that claimant had no impairment of the range of motion or strength in his right shoulder. Dr. Luke opined that Mr. Schmidt does not have permanent impairment of the right shoulder relative to the October 1, 2014 right shoulder injury. (Exhibit 2, p. 56)

Mr. Schmidt moved to the Mason City area. He did not request additional medical care be provided by the employer or request a transfer of his treating physician to the Mason City area. (Claimant's testimony; Testimony of Todd Derifield; Testimony of Cheryl Huddleston) Instead, claimant sought medical care on his own and without authorization or approval by the defendant. The City of Waterloo produced the only evidence on this issue and established that it never refused to authorize additional treatment and that the care Mr. Schmidt obtained at Mercy Clinics, Mercy Medical Center, or Radiologists of North Iowa, after December 2014 was not authorized care. (Testimony of Todd Derifield; Testimony of Cheryl Huddleston) Claimant produced no evidence that the care rendered at the above facilities resulted in a more favorable outcome than would likely have been achieved by obtaining care through an authorized medical provider. It is found that all medical expenses contained in Exhibit 14 were for unauthorized medical services.

Claimant last sought treatment for his left shoulder in August 2016. He testified that it was his understanding that there is nothing else that can or should be done medically to treat his shoulder. However, claimant testified that he continues to perform some home exercises.

Mr. Schmidt obtained an independent medical evaluation performed by Mark C. Taylor, M.D., on December 30, 2015. Dr. Taylor documented normal strength in both arms without any obvious weaknesses or asymmetry. However, Dr. Taylor opined that claimant demonstrated positive impingement symptoms in the left shoulder. (Exhibit 5, p. 4)

Dr. Taylor opined that claimant sustained a 2 percent permanent impairment of the whole person as a result of the October 1, 2014 work injury to his left shoulder. Dr. Taylor opines that claimant should limit his lifting to 40-50 pounds and not more than 30 pounds above chest level. (Exhibit 5, p. 4)

Claimant remained unemployed from November 3, 2014 through March 2015. Mr. Schmidt found employment with Sukup in its paint department starting in March 2015. Approximately six months after he started at Sukup, claimant transferred to the engineering department and works as a draftsman designing prototypes of new grain towers and catwalks. Claimant is required to manually build prototypes or mock-up versions of these items as part of his drafting work. (Exhibit 13, p. 7) This work

generally would not require claimant to lift more than 50 pounds. (Exhibit 13, pp. 7-8) At the time of trial, claimant earned \$17.75 per hour at Sukup, though he did work more hours for Sukup than he was offered with the City of Waterloo. (Claimant's testimony)

Mr. Schmidt described ongoing symptoms in his left shoulder. He conceded that he does not have significant problems lifting if he is able to lift near his body. However, he testified that he has difficulties when he has to lift items to heights or away from his body. Both movements cause burning in his left shoulder. He testified that he cannot hold even a gallon of milk away from his body without his arm beginning to shake. He testified that pushing and pulling away from his body cause symptoms and that he also experiences left shoulder symptoms when he reaches up or sideways away from his body with his left arm. (Claimant's testimony)

Claimant also identified weather changes, and particularly cold weather, as difficult for his left shoulder. He testified that he cannot sleep on his left side because it causes pain and wakes him. He also testified that his left shoulder tires when he drives distances and that he has difficulties climbing ladders. Mr. Schmidt conceded that he likely does not have the necessary strength to climb trees and pull himself up at this point in time. (Claimant's testimony)

I acknowledge defendant's evidence depicting claimant continuing to participate in a bowling league. (Exhibits 15, 23) I note that claimant concedes he has hunted pheasant and deer with a shotgun since the date of injury. (Claimant's testimony; Exhibit 16) Claimant remains active as a younger man.

Yet, Mr. Schmidt's testimony was not exaggerated. His wife's observations of his symptoms and actions corroborated claimant's description of his ongoing symptoms and difficulties. Mr. Schmidt was believable and candid in his testimony. The symptoms described are common for injuries with shoulder injuries and are reasonable explanations of his difficulties and residual symptoms. Claimant's last medical records in the summer and fall of 2016 continue to document ongoing left shoulder symptoms. (Exhibit 3)

I find Mr. Schmidt's testimony about his current condition to be credible and accept that testimony. Having accepted Mr. Schmidt's testimony in this respect, I find that he has residual symptoms and that the impairment rating and restrictions offered by Dr. Taylor are reasonable and more realistic than a full duty release and zero percent impairment offered by Dr. Luke. Therefore, I find that claimant has proven a two percent permanent impairment of the whole person as a result of his left shoulder injury on October 1, 2014.

I find that claimant has proven he requires permanent restrictions as outlined by Dr. Taylor. However, I find that claimant is capable of exceeding these restrictions rarely to occasionally to perform the necessary job duties of his current position at Sukup when building mock-ups. Realistically, claimant could not perform similar job duties on a daily basis, however.

I find that Mr. Schmidt is a motivated worker. He has obtained subsequent employment outside his area of expertise and accepted that employment at a reduced hourly rate. He continues to work full-time and clearly has significant residual earning capacity. I find that claimant has proven permanent disability as a result of the October 1, 2014 injury and a modest loss of future earning capacity.

Considering claimant's age, the situs and severity of his injury, his ongoing symptoms and limitations, his permanent impairment, his educational and employment background, his motivation to continue working, his ability to find subsequent employment, his loss of earnings since the injury, as well as all other factors of industrial disability outlined by the Iowa Supreme Court, I find that Mr. Schmidt has proven a 25 percent loss of future earning capacity as a result of the October 1, 2014 work injury.

The parties also submit a dispute about claimant's gross weekly earnings on the date of injury. Review of Exhibits 10 and 18 demonstrate that the factual dispute is about claimant's typical weekly earnings and specifically whether the wages paid to claimant on July 18, 2014 represent typical earnings for claimant. Claimant contends that the week of July 18, 2014 contain earnings for only 36.2 hours of work and should be excluded from calculation of claimant's gross earnings. Defendants contend that these earnings represent claimant's actual earnings in his short tenure with the employer and should be considered typical earnings and included in the calculation of claimant's gross earnings.

Review of the remainder of claimant's weekly earnings demonstrates that claimant worked 40 hours per week all weeks after July 18, 2014 and prior to the week of his work injury. I find that claimant's typical workweek with the City of Waterloo was 40 hours. I find that the week of earnings paid on July 18, 2014 contained only 36.2 hours of work and was not typical, particularly when compared to all following weeks.

Claimant's calculations of his gross earnings in Exhibit 10, without inclusion of the wages paid on July 18, 2014, are accurate. I find that claimant's average gross weekly wage on the date of injury was \$920.18. The parties stipulate that claimant was married and entitled to two exemptions on the date of injury. (Hearing Report)

CONCLUSIONS OF LAW

Mr. Schmidt asserts he sustained an injury to his left shoulder on October 1, 2014, as a result of his work duties. Defendants acknowledge that claimant sustained the injury, but dispute the extent of claimant's entitlement to weekly and medical benefits.

The initial dispute is claimant's entitlement to healing period benefits. Mr. Schmidt seeks an award of healing period benefits from October 23, 2014 through November 3, 2014. The parties stipulate that benefits were paid for this period of time. It appears that the dispute with respect to healing period revolves around the weekly rate at which benefits should be paid. I conclude that claimant is entitled to healing

period benefits from October 23, 2014 through November 3, 2014. The issue of weekly rate will be addressed below.

The next dispute issue submitted for resolution is whether claimant sustained permanent disability and, if so, the extent of claimant's entitlement to permanent disability benefits. (Hearing Report) The claimant has the burden of proving by a preponderance of the evidence that the injury is a proximate cause of the disability on which the claim is based. A cause is proximate if it is a substantial factor in bringing about the result; it need not be the only cause. A preponderance of the evidence exists when the causal connection is probable rather than merely possible. George A. Hormel & Co. v. Jordan, 569 N.W.2d 148 (Iowa 1997); Frye v. Smith-Doyle Contractors, 569 N.W.2d 154 (Iowa App. 1997); Sanchez v. Blue Bird Midwest, 554 N.W.2d 283 (Iowa App. 1996).

The question of causal connection is essentially within the domain of expert testimony. The expert medical evidence must be considered with all other evidence introduced bearing on the causal connection between the injury and the disability. Supportive lay testimony may be used to buttress the expert testimony and, therefore, is also relevant and material to the causation question. The weight to be given to an expert opinion is determined by the finder of fact and may be affected by the accuracy of the facts the expert relied upon as well as other surrounding circumstances. The expert opinion may be accepted or rejected, in whole or in part. St. Luke's Hosp. v. Gray, 604 N.W.2d 646 (Iowa 2000); IBP, Inc. v. Harpole, 621 N.W.2d 410 (Iowa 2001); Dunlavey v. Economy Fire and Cas. Co., 526 N.W.2d 845 (Iowa 1995). Miller v. Lauridsen Foods, Inc., 525 N.W.2d 417 (Iowa 1994). Unrebutted expert medical testimony cannot be summarily rejected. Poula v. Siouxland Wall & Ceiling, Inc., 516 N.W.2d 910 (Iowa App. 1994).

When disability is found in the shoulder, a body as a whole situation may exist. Alm v. Morris Barick Cattle Co., 240 Iowa 1174, 38 N.W.2d 161 (1949). In Nazarenus v. Oscar Mayer & Co., II Iowa Industrial Commissioner Report 281 (App. 1982), a torn rotator cuff was found to cause disability to the body as a whole.

Since claimant has an impairment to the body as a whole, an industrial disability has been sustained. Industrial disability was defined in Diederich v. Tri-City Ry. Co. of Iowa, 219 Iowa 587, 258 N.W. 899 (1935) as follows: "It is therefore plain that the Legislature intended the term 'disability' to mean 'industrial disability' or loss of earning capacity and not a mere 'functional disability' to be computed in the terms of percentages of the total physical and mental ability of a normal man."

Functional impairment is an element to be considered in determining industrial disability which is the reduction of earning capacity, but consideration must also be given to the injured employee's age, education, qualifications, experience, motivation, loss of earnings, severity and situs of the injury, work restrictions, inability to engage in employment for which the employee is fitted and the employer's offer of work or failure to so offer. McSpadden v. Big Ben Coal Co., 288 N.W.2d 181 (Iowa 1980); Olson v.

Goodyear Service Stores, 255 Iowa 1112, 125 N.W.2d 251 (1963); Barton v. Nevada Poultry Co., 253 Iowa 285, 110 N.W.2d 660 (1961).

Compensation for permanent partial disability shall begin at the termination of the healing period. Compensation shall be paid in relation to 500 weeks as the disability bears to the body as a whole. Section 85.34.

In this case, I found that Mr. Schmidt proved he sustained permanent disability as a result of the October 1, 2014 work injury. Therefore, I conclude that claimant has established entitlement to an award of permanent disability benefits and that the injury should be compensated with industrial disability benefits. Iowa Code section 85.34(2)(u).

I considered all of the relevant factors outlined by the Iowa Supreme Court to assess industrial disability. I found that Mr. Schmidt proved a 25 percent loss of future earning capacity. This is equivalent to a 25 percent industrial disability and entitles claimant to an award of 125 weeks of permanent partial disability benefits. Iowa Code section 85.34(2)(u).

The next disputed issue presented is the applicable weekly rate at which benefits should be paid to claimant. Claimant sets forth his urged weekly rate in Exhibit 10. Defendants set forth their urged weekly rate in Exhibit 18. Review of the respective exhibits demonstrates that the parties agree as to all wages that should be included except for the paycheck issued on July 18, 2014.

Claimant contends that the earnings on July 18, 2014 are not representative of his customary earnings because he worked less than his typical 40-hour week. Defendants contend that the July 18, 2014 earnings are appropriate and typical and should be included in the calculation of the weekly rate.

Section 85.36 states the basis of compensation is the weekly earnings of the employee at the time of the injury. The section defines weekly earnings as the gross salary, wages, or earnings to which an employee would have been entitled had the employee worked the customary hours for the full pay period in which injured as the employer regularly required for the work or employment. The various subsections of section 85.36 set forth methods of computing weekly earnings depending upon the type of earnings and employment.

If the employee is paid on a daily or hourly basis or by output, weekly earnings are computed by dividing by 13 the earnings over the 13-week period immediately preceding the injury. Any week that does not fairly reflect the employee's customary earnings that fairly represent the employee's customary earnings, however. Section 85.36(6).

The parties' arguments make it clear that all parties are using Iowa Code section 85.36(6) as the applicable and appropriate method to calculate claimant's weekly rate. The issue submitted to me for resolution is whether the earnings reflected in the check issued July 18, 2014 are representative of claimant's customary hours and earnings. Iowa Code section 85.36. Having found that claimant typically worked 40 hours per week, I also found that the earnings reflected in the July 18, 2014 paycheck were not representative of claimant's customary earnings. Therefore, I conclude that claimant's gross weekly earnings should be calculated consistent with the claimant's calculations in Exhibit 10. I specifically conclude that claimant's gross weekly wage was \$920.18 and that the applicable weekly worker's compensation rate for all benefits payable in this case is \$588.00. Iowa Code section 85.36.

This rate would apply to all healing period benefits paid to date and result in an underpayment. Defendant is obligated to correct the weekly rate at which healing period benefits were paid and the proper weekly rate, plus statutory interest for all underpaid benefits. Iowa Code section 85.30. Defendant will be ordered to pay all permanent disability benefits, with interest for past due benefits, at this weekly rate as well.

Mr. Schmidt also seeks an award of past medical expenses contained at Exhibit 14. The employer shall furnish reasonable surgical, medical, dental, osteopathic, chiropractic, podiatric, physical rehabilitation, nursing, ambulance, and hospital services and supplies for all conditions compensable under the workers' compensation law. The employer shall also allow reasonable and necessary transportation expenses incurred for those services. The employer has the right to choose the provider of care, except where the employer has denied liability for the injury. Section 85.27. Holbert v. Townsend Engineering Co., Thirty-second Biennial Report of the Industrial Commissioner 78 (Review-Reopening October 1975).

The employer's statutory right to select the authorized medical provider does not apply when emergency care is required. The parties can negotiate and reach an amicable resolution in which the injured worker is permitted to see a medical provider other than the employee's initially selected provider. The injured worker also has a statutory remedy to seek an order of this agency transferring care to an alternate medical provider. Iowa Code section 85.27(4).

Other than these three scenarios, the employer retains a statutory right to select the authorized medical provider. Brewer-Strong v. HNI Corporation, 913 N.W.2d 235, 248 (Iowa 2018). The employee can elect to forego the statutory process and pay for his or her own medical care. However, if the employee elects to abandon the protections of the statute and pursue care through a provider of his or her own choosing, the employer will only be responsible for payment of the unauthorized medical expenses if the employee can prove "by a preponderance of the evidence that such care was reasonable and beneficial" under a totality of the circumstances. Bell Bros. Heating & Air Conditioning v. Gwinn, 779 N.W.2d 193, 206 (Iowa 2010).

To establish that unauthorized care is reasonable and beneficial, claimant must prove by a preponderance of the evidence that the care received provided "a more favorable medical outcome than would likely have been achieved by the care authorized by the employer." Id. The Iowa Supreme Court recently acknowledged that this is a significant evidentiary burden but concluded that it is a reasonable balancing of the parties' interests and affirmed this as the applicable burden of proof to obtain an award of unauthorized medical expenses. Brewer-Strong, 913 N.W.2d at 248.

In this case, the undisputed evidence demonstrated that claimant obtained unauthorized medical care. All of the medical expenses contained in Exhibit 14 were for unauthorized medical care. Claimant offered no evidence that this medical care provided a more favorable outcome than would likely have been achieved by care offered through an authorized medical provider. Therefore, I conclude that claimant failed to establish entitlement to reimbursement, payment, or satisfaction of the unauthorized medical expenses contained in Exhibit 14.

Finally, claimant seeks assessment of his costs. Costs are assessed at the discretion of the agency. Iowa Code section 86.40. Claimant has prevailed. Therefore, I conclude it is appropriate to assess claimant's costs in some amount.

Specifically, claimant seeks assessment of his filing fee (\$100.00). This is a reasonable and permitted cost. 876 IAC 4.33(7). The employer will be ordered to reimburse claimant's \$100.00 filing fee.

Claimant seeks service fees. Again, this is a reasonable cost and is permitted by 876 IAC 4.33(3). However, claimant seeks service fees for the cost of serving the employer and a third-party administrator. The City of Waterloo is a self-insured employer. Only the cost of serving the named defendant is a taxable cost. Therefore, defendants will be ordered to reimburse claimant's service fees in the amount of \$6.67.

Finally, claimant seeks assessment of the cost of deposition transcripts. The depositions of claimant and Jonathan Schmidt were both introduced into evidence at Exhibits 12 and 13. These transcription costs can be taxed pursuant to 876 IAC 4.33(2). However, claimant testified at the time of trial. I did not find his deposition to be helpful and necessary as an exhibit given his live testimony. I decline to tax the cost of claimant's deposition.

David Brownmiller testified via deposition. He did not appear to testify. Instead, his testimony was introduced pursuant to Iowa Code section 86.18(2). I find this is an appropriate cost to be taxed. Defendants will be assessed \$95.75 for the transcript costs of Mr. Brownmiller's deposition. 876 IAC 4.33(2). In total, defendants will be ordered to reimburse claimant's costs totaling \$202.42.

ORDER

THEREFORE, IT IS ORDERED:

Defendants shall pay claimant one hundred twenty-five (125) weeks of permanent partial disability benefits commencing on November 4, 2014.

All weekly benefits shall be payable at the stipulated weekly rate of five hundred eighty-eight and 00/100 dollars (\$588.00) per week.

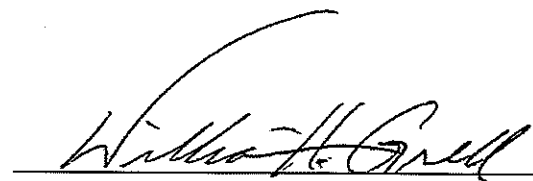
Defendants shall pay claimant any underpayment of the weekly rate occurring prior to the date of the hearing, including the healing period from October 23, 2014 through November 3, 2014.

Defendants shall pay accrued weekly benefits in a lump sum together with interest 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, as required by Iowa Code section 85.30.

Defendants shall reimburse claimant's costs totaling two hundred two and 42/100 dollars (\$202.42).

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 26th day of September, 2019.



WILLIAM H. GRELL
DEPUTY WORKERS'
COMPENSATION COMMISSIONER

The parties have been served, as follows:

James Fitzsimmons (via WCES)

Bruce Gettman (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 in writing and received by the commissioner's office 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 a legal holiday. The notice of appeal must be filed at the following address: Workers' Compensation Commissioner, Iowa Division of Workers' Compensation, 1000 E. Grand Avenue, Des Moines, Iowa 50319-0209.