

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

**FILED**

**JAN 19 2017**

RODGER McLAUGHLIN,

Claimant,

vs.

JOHN DEERE DES MOINES WORKS,

Employer,  
Self-Insured,  
Defendants.

File No. 5048714 WORKERS' COMPENSATION

A P P E A L

D E C I S I O N

Head Note No: 1100

Claimant Rodger McLaughlin appeals from an arbitration decision filed on August 28, 2015, and from a ruling on application for rehearing filed on September 15, 2015. Defendant John Deere Des Moines Works, self-insured employer, responds to the appeal. The case was heard on April 23, 2015, and it was considered fully submitted in front of the deputy workers' compensation commissioner on June 5, 2015.

The deputy commissioner found claimant failed to carry his burden of proof that he sustained injuries to his left upper extremity and his left shoulder arising out of and in the course of his employment on April 21, 2014, as alleged. The deputy commissioner awarded claimant nothing.

Because the deputy commissioner found claimant failed to carry his burden of proof on the issues of causation and compensability, the deputy commissioner found all other issues raised by claimant in the arbitration proceeding to be moot and the deputy commissioner did not address those issues, which include the extent of entitlement to temporary total disability/healing period (TTD/HP) benefits, the extent of entitlement to permanent partial disability (PPD) benefits, if any, claimant's entitlement to payment of requested past medical expenses, and claimant's entitlement to reimbursement for the independent medical evaluation (IME) performed by Jacqueline Stoken, D.O., on March 20, 2015. The deputy commissioner also ordered claimant to pay the costs of the arbitration proceeding.

Claimant asserts on appeal that the deputy commissioner erred in finding claimant failed to carry his burden of proof that he sustained injuries arising out of and in the course of his employment on April 21, 2014, as alleged. Claimant asserts the deputy commissioner erred in failing to address the other issues raised in the arbitration proceeding. Claimant also asserts the deputy commissioner erred in failing to order

defendant to pay the costs of the arbitration proceeding and in ordering claimant to pay those costs.

Defendant asserts on appeal that the arbitration decision and the ruling on application for rehearing should be affirmed in their 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 August 28, 2015, and those portions of the ruling on application for rehearing filed on September 15, 2015, which relate to the issues properly raised on intra-agency appeal.

I find the deputy commissioner provided sufficient analysis of the issues raised in the arbitration proceeding and in claimant's application for rehearing. 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 he sustained injuries to his left upper extremity and his left shoulder arising out of and in the course of his employment on April 21, 2014, as alleged. I affirm the deputy commissioner's finding that claimant is entitled to take nothing in this matter. Because I affirm the deputy commissioner's finding that claimant failed to carry his burden of proof on the issues of causation and compensability, I affirm the deputy commissioner's finding that it is unnecessary to address the other issues raised in the arbitration proceeding, which include the extent of entitlement to TTD/HP benefits, the extent of entitlement to PPD benefits, if any, and claimant's entitlement to payment of requested past medical expenses. With regard to the issue of whether claimant is entitled to reimbursement for Dr. Stoken's IME, pursuant to Iowa Code Section 85.39 I find that because defendant never obtained an evaluation of claimant's alleged permanent impairment, the deputy commissioner correctly refused to order defendant to reimburse claimant for the cost of Dr. Stoken's IME. I also affirm the deputy commissioner's order that claimant pay the costs of the arbitration proceeding. I affirm the deputy commissioner's findings, conclusions and analysis regarding those issues.

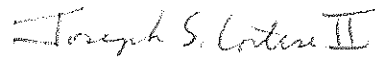
#### ORDER

IT IS THEREFORE ORDERED that the arbitration decision filed on August 28, 2015, and the ruling on application for rehearing filed on September 15, 2015, are affirmed in their entirety.

Claimant shall take nothing in this matter.

Pursuant to rule 876 IAC 4.33, claimant shall pay the costs of the arbitration proceeding and claimant shall pay the costs of the appeal, including the cost of the hearing transcript.

Signed and filed this 19<sup>th</sup> day of January, 2017.



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JOSEPH S. CORTESE II  
WORKERS' COMPENSATION  
COMMISSIONER

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