

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

JAMES LORADITCH,

Claimant,

vs.

SEABOARD TRIUMPH FOODS, INC.,

Employer,

and

ACE AMERICAN INSURANCE
COMPANY,Insurance Carrier,
Defendants.

File No. 19004961.01

A P P E A L

D E C I S I O N

Head Notes: 1402.40; 1803; 1803.1;
2907; 5-9998

Claimant James Loraditch appeals from an arbitration decision filed on August 10, 2022. Defendants Seaboard Triumph Foods, Inc., employer, and its insurer, Ace American Insurance Company, respond to the appeal. The case was heard on March 18, 2022, and it was considered fully submitted in front of the deputy workers' compensation commissioner on April 29, 2022.

In the arbitration decision, the deputy commissioner found claimant sustained 41 percent permanent partial impairment of the left hand, a scheduled member, caused by the stipulated October 12, 2019, work injury, which entitles claimant to receive 77.9 weeks of permanent partial disability benefits. The deputy commissioner ordered the parties to pay their own costs of the arbitration proceeding.

Claimant asserts on appeal that the deputy commissioner erred in finding claimant sustained a scheduled member disability of the left hand. Claimant asserts his injury extends into his body as a whole, which claimant asserts entitles him to receive substantial industrial disability benefits.

Defendants assert on appeal that the arbitration decision should be affirmed in its entirety.

Those portions of the proposed arbitration decision pertaining to issues not raised on appeal are adopted as 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 August 10, 2022, which relate to the issues properly raised on intra-agency appeal.

I find the deputy commissioner provided a well-reasoned analysis of all 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 sustained 41 percent permanent partial impairment of the left hand caused by the work injury, which entitles claimant to receive 77.9 weeks of permanent partial disability benefits. I affirm the deputy commissioner's finding that claimant's injury does not extend into claimant's body as a whole, and I affirm the deputy commissioner's finding that claimant is not entitled to receive industrial disability benefits for the work injury. I affirm the deputy commissioner's order that the parties pay their own costs of the arbitration proceeding.

I affirm the deputy commissioner's findings, conclusions, and analysis regarding the above-stated issues.

ORDER

IT IS THEREFORE ORDERED that the arbitration decision filed on August 10, 2022, is affirmed in its entirety.

Defendants shall pay claimant 77.9 weeks of permanent partial disability benefits, commencing on August 25, 2021, at the stipulated weekly rate of five hundred fifty-two and 72/100 dollars (\$552.72).

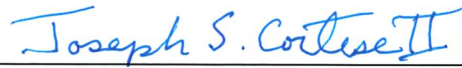
Defendants shall receive credit for all benefits previously paid.

Defendants shall pay accrued weekly benefits in a lump sum together with interest 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.

Pursuant to 876 IAC 4.33, the parties shall pay their own costs of the arbitration proceeding, and claimant 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 7th day of November, 2022.



JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

The parties have been served as follows:

Al Sturgeon (via WCES)

Meredith Ashley (via WCES)