

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

SHANE MATHER,

Claimant,

vs.

ARCHER DANIELS MIDLAND CO., INC.,

Employer,
Self-Insured,
Defendant.

File No. 1640328.01

A P P E A L
D E C I S I O NHead Notes: 1402.40; 1803; 2907
5-9998

Defendant Archer Daniels Midland Co., Inc., self-insured employer, appeals from an arbitration decision filed on July 26, 2021. Claimant Shane Mather responds to the appeal. The case was heard on April 9, 2021, and it was considered fully submitted in front of the deputy workers' compensation commissioner on May 21, 2021.

In the arbitration decision, the deputy commissioner found claimant sustained nine percent permanent functional disability of his left arm as a result of the stipulated November 1, 2017, work injury, which entitles claimant to receive 22.5 weeks of permanent partial disability benefits commencing on the stipulated commencement date January 26, 2018. The deputy commissioner based the award for permanent disability on the permanent impairment rating of Farid Manshadi, M.D. The deputy commissioner ordered defendant to pay claimant's costs of the arbitration proceeding in the amount of \$604.20.

Defendant asserts on appeal that the deputy commissioner erred in finding claimant sustained nine percent permanent disability of the left arm as a result of the work injury. Defendant asserts the award for permanent disability should be reduced to one percent of the left arm based on the permanent impairment rating of David Tearse, M.D. Defendant asserts claimant should be taxed with all costs of the arbitration proceeding.

Claimant asserts 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 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 July 26, 2021, 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 the permanent impairment rating of Dr. Manshadi is persuasive in this matter and I affirm the deputy commissioner's finding that claimant sustained nine percent permanent functional disability of his left arm as a result of the work injury. I affirm the deputy commissioner's finding that the permanent impairment rating of Dr. Tearse is not persuasive in this matter. I affirm the deputy commissioner's order that defendant pay claimant's costs of the arbitration proceeding in the amount of \$604.20.

I affirm the deputy commissioner's findings, conclusions and analysis regarding those issues.

ORDER

IT IS THEREFORE ORDERED that the arbitration decision filed on July 26, 2021, is affirmed in its entirety.

Defendant shall pay Claimant twenty-two point five (22.5) weeks of permanent partial disability benefits at the stipulated weekly rate of six hundred eighty-nine and 42/100 dollars (\$689.42), commencing on the stipulated commencement date of January 26, 2018.

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. See Gamble v. AG Leader Technology, File No. 5054686 (App. Apr. 24, 2018).

Pursuant to rule 876 IAC 4.33, defendant shall pay claimant's costs of the arbitration proceeding in the amount of six hundred four and 20/100 dollars (\$604.20), and Defendant shall pay the costs of the appeal, including the cost of the hearing transcript.

Pursuant to rule 876 IAC 3.1(2), defendant shall file subsequent reports of injury as required by this agency.

Signed and filed on this 29th day of October, 2021.

Joseph S. Cortese II

JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

The parties have been served as follows:

Andrew Giller (via WCES)

Peter Thill (via WCES)