

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

ROBERT CLAYTON,

Claimant,

vs.

NATURAL PRODUCTS, INC.,

Employer,

and

FARM BUREAU MUTUAL INSURANCE
COMPANY,

Insurance Carrier,
Defendants.

File No. 5063319

A P P E A L

D E C I S I O N

Head Notes: 1108; 1402.40; 1802; 1803;
2501, 2502; 2907; 5-9998

Defendants Natural Products, Inc., employer, and its insurer, Farm Bureau Mutual Insurance Company, appeal from an arbitration decision filed on April 16, 2019. Claimant Robert Clayton responds to the appeal. The case was heard on May 4, 2018, and it was considered fully submitted in front of the deputy workers' compensation commissioner on June 1, 2018.

The deputy commissioner found claimant sustained 35 percent industrial disability as a result of the stipulated work-related injury which occurred on September 11, 2015, which entitles claimant to receive 175 weeks of permanent partial disability benefits commencing on December 14, 2016. The deputy commissioner found claimant is entitled to receive additional healing period benefits from September 20, 2016, through December 13, 2016. The deputy commissioner found claimant is entitled to payment by defendants for the requested past medical expenses itemized in Exhibit 9. The deputy commissioner found claimant is entitled to reimbursement from defendants for the cost of the independent medical evaluation (IME) of claimant performed by Sunil Bansal, M.D. on March 6, 2018. The deputy commissioner ordered defendants to pay claimant's costs of the arbitration proceeding in the amount of \$297.80.

Defendants assert on appeal that the deputy commissioner erred in finding claimant sustained 35 percent industrial disability as a result of the work injury. Defendants assert the award for industrial disability should be reduced substantially. Defendants assert the deputy commissioner erred in finding claimant is entitled to receive additional healing period benefits.

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.

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 April 16, 2019, 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 affirm the deputy commissioner's finding that claimant sustained 35 percent industrial disability as a result of the work injury. I affirm the deputy commissioner's finding that claimant is entitled to receive additional healing period benefits from September 20, 2016, through December 13, 2016. I affirm the deputy commissioner's finding that claimant is entitled to payment by defendants for the requested past medical expenses itemized in Exhibit 9. I affirm the deputy commissioner's finding that claimant is entitled to reimbursement from defendants for the cost of Dr. Bansal's IME. I affirm the deputy commissioner's order that defendants pay claimant's costs of the arbitration proceeding in the amount of \$297.80.

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

ORDER

IT IS THEREFORE ORDERED that the arbitration decision filed on April 16, 2019, is affirmed in its entirety.

Defendants shall pay claimant one hundred seventy-five (175) weeks of permanent partial disability benefits at the stipulated weekly rate of three hundred fifty-seven and 18/100 dollars (\$357.18), commencing from December 14, 2016.

Defendants shall pay additional healing period benefits to claimant for the period from September 20, 2016, through December 13, 2016, at the stipulated weekly rate of three hundred fifty-seven and 18/100 dollars (\$357.18) per week.

Defendants shall take credit for all benefits previously paid.

Defendants shall pay accrued weekly benefits in a lump sum together with interest at the rate of ten percent for all weekly benefits payable and not paid when due which accrued before July 1, 2017, and all interest on past due weekly compensation benefits accruing on or after July 1, 2017, shall be 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. See. Gamble v. AG Leader Technology, File No. 5054686 (App. Apr. 24, 2018)

Defendants shall pay the past requested medical expenses itemized in Exhibit 9 incurred after September 11, 2015.

Defendants shall reimburse claimant for the cost of Dr. Bansal's IME pursuant to Iowa Code section 85.39.

Pursuant to rule 876 IAC 4.33, defendants shall pay claimant's costs of the arbitration proceeding in the amount of two hundred ninety-seven and 80/100 dollars (\$297.80), and 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 30th day of April, 2020.

Joseph S. Cortese II

JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

The parties have been served as follows:

Fredd J. Haas Via WCES

James W. Russell Via WCES