BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

FILED
FEB 27 2018
WORKERS COMPENSATION

ETHEL KURTZ, Claimant, vs. HANDICAPPED DEVELOPMENT CENTER, Employer, and UNITED WISCONSIN INSURANCE COMPANY, Insurance Carrier, Defendants.	File No. 5062749 ARBITRATION DECISION Head Note Nos.: 1803, 2907, 4000.2, 4100

STATEMENT OF THE CASE

Ethel Kurtz, claimant, filed a petition in arbitration and seeks workers' compensation benefits from defendants, Handicapped Development Center, as the employer, and United Wisconsin Insurance Company, as the insurance carrier. Hearing occurred before the undersigned on October 12, 2017, in Davenport.

The parties filed a hearing report at the commencement of the arbitration hearing. On the hearing report, the parties entered into various stipulations. All of those stipulations were accepted and are hereby incorporated into this arbitration decision. No factual or legal issues relative to the parties' stipulations will be raised or discussed in this decision. The parties are now bound by their stipulations.

The evidentiary record includes Joint Exhibits 1 through 9, Claimant's Exhibits 1 through 6, as well as Claimant's Exhibits 8 and 9, and Defendants' Exhibits A through H. Claimant's Exhibit 7 was not received into evidence and was excluded based upon an evidentiary objection stated by defendants at the commencement of hearing.

Claimant testified on her own behalf and called Morgan Kurtz, Patty Green, and Barbara Laughlin, to testify. Claimant also sought to call Patty Green as a witness. Testimony was not received from Patty Green after the undersigned sustained an

evidentiary objection from defendants at the arbitration hearing. Defendants called no witnesses to testify live.

However, counsel for the parties requested an opportunity to submit post-hearing briefs. Their request was granted. Defendants filed their post-hearing brief in conformity with the undersigned's ruling on November 20, 2017. Claimant filed an untimely brief on November 21, 2017. The undersigned accepted that untimely brief and offered defendants an opportunity for a rebuttal brief. Defendants elected to forego a rebuttal brief. The case was considered fully submitted to the undersigned upon the filing of claimant's post-hearing brief on November 21, 2017.

ISSUES

The disputed issues submitted for resolution include:

1. The extent of claimant's entitlement to permanent disability benefits, including a claim for permanent total disability or odd-lot status.

2. Whether claimant should be awarded penalty benefits pursuant to Iowa Code section 86.13 for defendants' alleged unreasonable denial or termination of industrial disability benefits.

3. Whether costs should be assessed against either party.

Claimant included a fourth disputed issue on the hearing report. Specifically, claimant sought award of some past medical expenses. (Hearing Report) At the commencement of hearing, defense counsel notified the undersigned that the defendants concede liability for the claimed medical expenses totaling $126.98. The undersigned verbally ordered defendants to reimburse claimant for the claimed medical expenses and this issue is no longer deemed to be a disputed issue. Defendants will be ordered to reimburse claimant's medical expenses totaling $126.98.

FINDINGS OF FACT

Having considered all of the evidence and testimony in the record, recognizing that there may be competing or contradictory facts within this evidentiary record, I find the following facts:

Ethel Kurtz is a 71-year-old woman, who sustained a left hip fracture as a result of a fall at work on January 14, 2015. Ms. Kurtz was 68 years of age on the date of injury and 70 years of age at the time of hearing. She has a high school education. She obtained some additional training as a certified nursing assistant, but did not complete that program. She has no additional education.

Ms. Kurtz's work history includes working in restaurants shortly after high school. She then was married, moved to Iowa, and was a stay-at-home mother for over

20 years. In 1988, claimant obtained employment with the employer, Handicapped Development Center in Davenport, Iowa. Ms. Kurtz worked as a resident aide and later took on additional duties as a program lead, but was still involved in resident care and aide. Ms. Kurtz worked continuously for the employer from 1988 until her injury on January 14, 2015. Ms. Kurtz has had other injuries, including a rotator cuff tear and a right hip replacement. However, she was able to return to work for this employer after both of those injuries. In fact, Ms. Kurtz passed an employment physical and was cleared to work without restrictions the day before her work injury occurred. (Joint Exhibit 2)

Unfortunately, on January 14, 2015, she fell while attempting to attend to the needs of a resident and sustained a fractured left hip. (Claimant's testimony) Ms. Kurtz was taken to surgery the day after her fall. Her treating surgeon, Ryan P. Dunlay, M.D., performed a left hip cephalomedullary nailing, which provided good results. (Jt. Ex. 3, pages 5-6; Jt. Ex. 4, p. 2) Ms. Kurtz no longer takes prescription medication. She does take some over-the-counter medications occasionally to manage her symptoms. (Claimant's testimony)

However, the left hip fracture resulted in the need for permanent work restrictions. Although the employer provided claimant light duty work for approximately eight months, it determined that claimant was not capable of performing the necessary essential functions of her position with her permanent restrictions. Claimant refused to voluntarily retire. (Claimant's Ex. 1, p. 3) Therefore, the employer terminated her employment on January 13, 2016. (Claimant's Ex. 1, p. 2)

Ms. Kurtz was not pleased to be terminated. She sought unemployment benefits and was awarded unemployment. Ms. Kurtz testified that she would like to return to work, if suitable work could be identified. (Claimant's testimony)

Claimant has compiled a long job search log. (Claimant's Ex. 5) She has not found work since being terminated by the employer. Both parties obtained vocational opinions. Not surprisingly, the vocational experts disagree on claimant's ability to return to work and the effects the injury has had on claimant's employability into the future.

Claimant's vocational expert testified and drafted reports asserting that there are not a sufficient quantity, quality, or dependability of job opportunities remaining within the competitive labor market for claimant. Claimant's vocational expert also points out claimant's age and asserts that her advancing age is a significant detriment and will hamper any employment opportunities for which claimant is otherwise capable and qualified. Essentially, claimant's vocational expert opines that claimant is no longer employable in the competitive labor market. (Claimant's Ex. 6) Claimant's job search logs facially appear to support this proposition.

Defendants' vocational expert was retained to provide job placement services. He identified numerous positions in the competitive labor market that are consistent with

claimant's permanent restrictions, as outlined by the treating surgeon, and claimant's qualifications. Defendants' vocational expert asserts that legal protections exist for an aging worker and that his experience is that employers actually welcome and desire older workers for their promptness and reliability. (Defendants' Ex. D)

Review of the competing vocational opinions demonstrates that claimant's vocational expert is applying the permanent restrictions outlined by claimant's independent medical evaluator, Richard Kreiter, M.D. Review of Dr. Kreiter's opinions raises some question about the necessity of some of his restrictions.

After Dr. Kreiter's initial evaluation of claimant, he authored a report dated July 20, 2016 in which he concurred with the permanent restrictions imposed by Dr. Dunlay. (Jt. Ex. 7, p. 7) Dr. Kreiter did not supplement, add, or modify the treating surgeon's restrictions in any way in his first report. Then, in a report dated approximately 11 months later, Dr. Kreiter responds to an undisclosed inquiry from claimant's attorney and opines that claimant requires an occupation that allows her to alternate standing, walking and sitting as tolerated.

No positional changes or tolerances were imposed in July 2016 by Dr. Kreiter. It is not apparent why new restrictions are imposed by Dr. Kreiter nearly a year later in June 2017. There is no explanation of a follow-up evaluation demonstrating changes in claimant's condition or explaining what was missed or what has changed that required additional restrictions 11 months after Dr. Kreiter's evaluation of claimant. I find the addition of new restrictions nearly a year after his evaluation, and in response to an unknown inquiry from claimant's counsel, to be odd and unconvincing. (Jt. Ex. 7)

Instead, I find that the restrictions outlined by the treating orthopaedic surgeon, Dr. Dunlay, to be most appropriate. At the time of her discharge from physical therapy in June 2015, claimant was demonstrating the ability to lift up to 50 pounds. Dr. Dunlay imposed restrictions that are more conservative than the actual abilities demonstrated by claimant during physical therapy. Specifically, Dr. Dunlay declared maximum medical improvement on December 24, 2015 and imposed permanent restrictions that include no lifting, pushing, or pulling more than 30 pounds occasionally. He also restricted claimant from walking on inclines and precluded her from working one-on-one with behavioral residents at the employer's place of business. (Jt. Ex. 3, p. 19)

Dr. Dunlay was apparently concerned about claimant's welfare and physical abilities. He imposed restrictions that were more conservative than the abilities claimant demonstrated during physical therapy. I find Dr. Dunlay's exercise of professional judgment as the treating orthopaedic surgeon to be convincing and reasonable on the issue of permanent restrictions.

Defendants subsequently had claimant evaluated by Matthew J. Bollier, M.D., an orthopaedic surgeon and associate professor at the University of Iowa Hospitals and Clinics. Dr. Bollier evaluated claimant on August 28, 2017. Dr. Bollier concluded that

the permanent work restrictions imposed by Dr. Dunlay were reasonable and appropriate. (Jt. Ex. 8) I find that the work restrictions imposed by Dr. Dunlay and ratified by Dr. Bollier are reasonable and appropriate. I reject the additional positional restrictions imposed by Dr. Kreiter as medically unnecessary and too restrictive of claimant's functional abilities.

Ms. Kurtz's left hip fracture clearly resulted in a permanent functional loss. Each of the physicians addressing the issue has opined that claimant sustained permanent impairment as a result of the January 14, 2015 work injury. Dr. Dunlay assigned a 15 percent permanent impairment as a result of the work injury. (Jt. Ex. 3, p. 22) Dr. Kreiter concurred with the impairment rating assigned by Dr. Dunlay. (Jt. Ex. 7, p. 7)

Dr. Bollinger challenged the permanent impairment rating offered by Drs. Dunlay and Kreiter. Although he did not challenge that claimant has an altered gait as a result of the work injury, Dr. Bollinger explained that the AMA Guides only permit assessment of permanent impairment for gait derangement if there is radiographically demonstrated arthritis in the injured hip. (Jt. Ex. 8, p. 7)

Dr. Bollinger had x-rays of claimant's left hip taken on the date of his examination. He noted that claimant has no left hip arthritis. (Jt. Ex. 8, p. 7) Dr. Kreiter actually concurred, noting that claimant has no left hip arthritis. (Jt. Ex. 7, p. 7) Based upon these medical findings, I find that claimant does not have objectively demonstrable arthritis in her left hip. Claimant concurred during her testimony, rejecting any notion that she has arthritis or carried a diagnosis of arthritis in her left hip before this injury.

Dr. Bollinger's review and application of the AMA Guides is accurate and literal. His explanation of why the impairment ratings offered by Dr. Dunlay and Dr. Kreiter are erroneous is convincing. I accept Dr. Bollinger's impairment rating and find that claimant sustained a seven percent (7%) permanent impairment of the whole person as a result of the January 14, 2015 work injury.

I also note that Dr. Kreiter identifies arthritis in claimant's bilateral knees and suggests this arthritis was aggravated by the work injury on January 14, 2015. Dr. Bollinger rejects this notion, concluding that the arthritis in claimant's knees is unrelated to the work injury. To the extent it may be necessary, I accept Dr. Bollinger's opinion on this issue and find that the bilateral knee arthritis is not causally related to or materially aggravated by the January 14, 2015 work injury.

Ms. Kurtz sustained permanent disability as a result of the left hip fracture she sustained on January 14, 2015. Numerous factors are considered when determining the loss of future earning capacity. Among the factors considered are claimant's age, her educational qualifications and training, her employment history, her permanent impairment, permanent restrictions, motivation, ability to return to work, the situs and severity of her injury, as well as all other factors that have been outlined by the Iowa Supreme Court as industrial disability factors.

In this case, I find that claimant sustained a seven percent (7%) permanent impairment. She requires the permanent restrictions outlined by Dr. Dunlay. She has minimal educational background, as noted above. She has a limited employment history, as noted above. Claimant is not capable of returning to work as a resident aide or program lead, as evidenced by the employer terminating her employment. Claimant is not likely to return to her prior work in the restaurant industry.

Nevertheless, I am not convinced that Ms. Kurtz made a full and legitimate work search. Many of the critiques noted by defendants' vocational expert cause me concern. For instance, he attempted to verify that claimant had applied at several employers on her work search log. Many of the employers could not verify her application, some just days after they were allegedly filed.

Perhaps more troubling is the fact that claimant has limited her availability on some of her job applications. Claimant is limited her availability to first shift, or between the hours of 9:00 a.m. and 6:00 p.m. Claimant began work on the date of injury at 1:00 p.m. and was injured at approximately 5:30 p.m. Her position with this employer was not limited to first shift or the hours she is now seeking.

Retail positions for which claimant is now applying will clearly not accommodate her request for limited hours or first shift. Claimant has similarly limited her applications and enrollment with Iowa Workforce Development by indicating she wants part-time work, or requesting inflated wages for the work sought. In fact, claimant applied for a position similar to her work for this employer and sought wages that were higher than her wages when injured. Realistically, claimant should have known that she would not be hired by a subsequent employer at wages higher than she was paid at the time of her injury in a similar position.

Claimant is self-limiting her job search and opportunities in these respects and hampering her ability to be hired. While she is entitled to limit her hours, seek part-time employment, or seek high wages, the fact that she is not hired when self-imposing these requirements does not demonstrate that she is unable to obtain employment in the competitive labor market or that she has severe loss of earning capacity. Instead, it demonstrates a lack of motivation to obtain any and all employment for which she is qualified and capable of performing.

When I consider the competing vocational opinions, I note that claimant's vocational expert opinions are based upon the assumption that claimant must be able to sit, stand, and walk as tolerated. I rejected those restrictions from Dr. Kreiter. Therefore, claimant's vocational expert opinions that rely upon Dr. Kreiter's restrictions are not credible and convincing.

When Dr. Kreiter's additional restrictions are removed, claimant's vocational expert identifies potential job opportunities for claimant and opines that claimant has lost 75 percent access to the closest matching occupations, 38.9 percent of access to good

matching occupations, but only 37.2 percent of access to unskilled occupations. Defendants' vocational expert has identified numerous positions consistent with claimant's restrictions and skills. I question some of the job opportunities based on critique from claimant's vocational expert. I also question some of the probable wage ranges estimated by defendants' vocational expert based upon some of the critique from claimant's vocational expert.

Ultimately, neither vocational expert is entirely convincing. However, without the inclusion of Dr. Kreiter's additional restrictions, it appears that both experts believe claimant has remaining access to competitive employment within the restrictions imposed by Dr. Dunlay. Not being entirely convinced that claimant has performed a legitimate and full job search, I find that claimant remains capable of obtaining and performing identifiable and legitimate occupations within the competitive labor market.

However, I am also cognizant of and believe that claimant's age, lack of computer skills, lack of educational training or employment history in similar positions, will hamper her ability to obtain some employment. Although I find claimant can obtain competitive employment, her options are likely reduced compared to someone of a younger age. Considering all of the factors outlined above, I find that Ms. Kurtz has proven by a preponderance of the evidence that she has sustained a sixty percent (60%) loss of future earning capacity as a result of the January 14, 2015 work injury.

CONCLUSIONS OF LAW

The parties stipulate that claimant sustained an injury that arose out of and in the course of her employment January 14, 2015. The parties further stipulate that the injury caused permanent disability and that the permanent disability should be compensated with industrial disability pursuant to Iowa Code section 85.34(2)(u).

Ms. Kurtz asserts that she is an odd-lot worker and is entitled to permanent total disability benefits as a result. In Guyton v. Irving Jensen Co., 373 N.W.2d 101 (Iowa 1985), the Iowa court formally adopted the "odd-lot doctrine." Under that doctrine a worker becomes an odd-lot employee when an injury makes the worker incapable of obtaining employment in any well-known branch of the labor market. An odd-lot worker is thus totally disabled if the only services the worker can perform are "so limited in quality, dependability, or quantity that a reasonably stable market for them does not exist." Id., at 105.

Under the odd-lot doctrine, the burden of persuasion on the issue of industrial disability always remains with the worker. Nevertheless, when a worker makes a prima facie case of total disability by producing substantial evidence that the worker is not employable in the competitive labor market, the burden to produce evidence showing availability of suitable employment shifts to the employer. If the employer fails to produce such evidence and the trier of facts finds the worker does fall in the odd-lot category, the worker is entitled to a finding of total disability. Guyton, 373 N.W.2d at

106. Factors to be considered in determining whether a worker is an odd-lot employee include the worker's reasonable but unsuccessful effort to find steady employment, vocational or other expert evidence demonstrating suitable work is not available for the worker, the extent of the worker's physical impairment, intelligence, education, age, training, and potential for retraining. No factor is necessarily dispositive on the issue. Second Injury Fund of Iowa v. Nelson, 544 N.W.2d 258 (Iowa 1995). Even under the odd-lot doctrine, the trier of fact is free to determine the weight and credibility of evidence in determining whether the worker's burden of persuasion has been carried, and only in an exceptional case would evidence be sufficiently strong as to compel a finding of total disability as a matter of law. Guyton, 373 N.W.2d at 106.

In this case, Ms. Kurtz produced sufficient evidence to meet her initial burden of production. Claimant identified a significant job search with unsuccessful results. In addition, claimant put forth a vocational expert report, which concluded that the quantity, quality and dependability of job possibilities within the competitive labor market are so limited that it is unrealistic to believe that claimant will be able to obtain competitive employment. Having met this burden of production, the burden of production shifted to defendants to produce evidence that suitable employment is available within the competitive labor market.

Defendants produced a vocational expert opinion, which identified several potential employment opportunities for claimant and ultimately opined that claimant has likely lost some future earning capacity but that she remains employable. Defendants also challenged the sincerity or completeness of claimant's job search. I conclude that defendants met their burden of production. Accordingly, the burden of persuasion remains with claimant to demonstrate that she is an odd-lot employee.

Having rejected the medical restrictions imposed by Dr. Kreiter, I similarly rejected the claimant's vocational opinions and conclusions that were based upon Dr. Kreiter's restrictions. Having found that some of the employment opportunities identified by defendants' vocational expert are within the medical restrictions imposed by the treating surgeon, Dr. Dunlay, and having concluded that claimant's job search was less than thorough and not entirely sincere in its efforts, I found that claimant has not proven there are no jobs or that the employment opportunities remaining within the competitive labor market are so limited in quantity, quality, or dependability that a reasonably stable market for those jobs does not exist. Having reached these findings, I conclude that claimant failed to prove she is an odd-lot employee.

Having concluded that Ms. Kurtz does not qualify for permanent total disability benefits as an odd-lot worker, I must consider her claim for industrial disability benefits.

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 R. Co., 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.

For the reasons noted above in my odd-lot analysis, I conclude that Ms. Kurtz has not established she is permanently and totally disabled under either the odd-lot doctrine or the traditional industrial disability analysis. Nevertheless, Ms. Kurtz was terminated because the employer could not accommodate her permanent restrictions. Ms. Kurtz has clearly sustained industrial disability in some amount.

Having considered claimant's age, education, employment history, the situs and severity of her injury, her permanent work restrictions, permanent impairment, motivation, as well as all other factors of industrial disability identified by the Iowa Supreme Court, I found that claimant proved a sixty percent (60%) loss of future earning capacity. I conclude this entitles claimant to a 60 percent (60%) industrial disability award. A sixty percent (60%) industrial disability award entitles claimant to an award of 300 weeks of permanent partial disability benefits at the stipulated weekly rate of $420.18. Iowa Code section 85.34(2)(u).

Claimant asserts that defendants unreasonably terminated and denied her permanent disability benefits above and beyond the 100 weeks of permanent disability benefits paid by defendants. Ms. Kurtz seeks an award of penalty benefits pursuant to Iowa Code section 86.13 for this alleged unreasonable termination and denial of additional industrial disability benefits.

If weekly compensation benefits are not fully paid when due, section 86.13 requires that additional benefits be awarded unless the employer shows reasonable cause or excuse for the delay or denial. Robbennolt v. Snap-on Tools Corp., 555 N.W.2d 229 (Iowa 1996).

Delay attributable to the time required to perform a reasonable investigation is not unreasonable. Kiesecker v. Webster City Meats, Inc., 528 N.W.2d 109 (Iowa 1995).

It also is not unreasonable to deny a claim when a good faith issue of law or fact makes the employer's liability fairly debatable. An issue of law is fairly debatable if viable arguments exist in favor of each party. Covia v. Robinson, 507 N.W.2d 411 (Iowa 1993). An issue of fact is fairly debatable if substantial evidence exists which would support a finding favorable to the employer. Gilbert v. USF Holland, Inc., 637 N.W.2d 194 (Iowa 2001).

An employer's bare assertion that a claim is fairly debatable is insufficient to avoid imposition of a penalty. The employer must assert facts upon which the commissioner could reasonably find that the claim was "fairly debatable." Meyers v. Holiday Express Corp., 557 N.W.2d 502 (Iowa 1996).

If the employer fails to show reasonable cause or excuse for the delay or denial, the commissioner shall impose a penalty in an amount up to 50 percent of the amount unreasonably delayed or denied. Christensen v. Snap-on Tools Corp., 554 N.W.2d 254 (Iowa 1996). The factors to be considered in determining the amount of the penalty include the length of the delay, the number of delays, the information available to the employer and the employer's past record of penalties. Robbennolt, 555 N.W.2d at 238.

In this case, defendants produced evidence that challenged and called claimant's efforts to secure new employment into question. Defendants produced a vocational report that suggested claimant's actual lost earnings into the future were relatively modest. Defendants paid permanent partial disability benefits that exceeded any of the permanent impairment ratings and clearly factored other industrial disability factors into their analysis. Defendants also gave advance notice of their intention to terminate weekly benefits and invited further evidence for consideration.

Although I ultimately awarded significantly more industrial disability benefits than were voluntarily paid, there are competing factors within this evidentiary record. As noted, defendants put forth significant and credible evidence to challenge claimant's work search efforts. Defendants put forth vocational evidence that suggests a much smaller industrial disability award than I ultimately gave. Having paid more than the permanent impairment ratings, defendants had legitimate bases upon which to contest additional industrial disability. I found that their actions were reasonable under the circumstances presented in this case. Therefore, I conclude that claimant is not entitled to an award of penalty benefits.

Finally, claimant also seeks assessment of her costs. Assessment of costs is a discretionary function of the agency. Iowa Code section 86.40.

Although I did not award permanent total disability benefits, I did award claimant significantly more industrial disability than was voluntarily paid by defendants prior to hearing. Utilizing the agency's discretion, I conclude that it is appropriate to assess claimant's costs in some amount.

Claimant seeks assessment of her filing fee ($100.00). This is a permissible cost and is assessed pursuant to 876 IAC 4.33(7). Ms. Kurtz seeks certified postage fees ($20.22) for the service of her original notice and petition upon defendants. Service fees are appropriate costs and are taxed pursuant to 876 IAC 4.33(3).

Claimant seeks assessment of the cost of obtaining records and reports from Genesis Health System ($99.10) and Record Reproduction Services on behalf of ORA ($101.50). Agency rule 876 IAC 4.33(6) permits the assessment of the reasonable costs of obtaining no more than two doctors' or practitioners' reports. I conclude that the requested costs are permitted under rule 4.33(6) and I assess those costs against defendants. In total, I conclude that is appropriate to assess claimant's costs totaling $320.82 against defendants.

ORDER

THEREFORE, IT IS ORDERED:

Defendants shall pay claimant three hundred (300) weeks of permanent partial disability benefits commencing on June 29, 2015, at the rate of four hundred twenty and 18/100 dollars ($420.18) per week.

Defendants shall pay all accrued benefits in lump sum with interest pursuant to Iowa Code section 85.30.

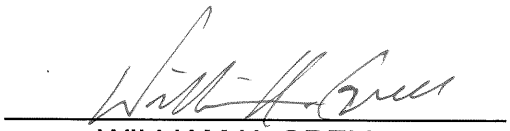
Defendants shall be entitled to the credit sought and stipulated to on the hearing report against this award.

If they have not already done so pursuant to the undersigned's verbal order at hearing, defendants shall reimburse claimant's past medical expenses totaling one hundred twenty-six and 98/100 dollars ($126.98).

Defendants shall reimburse claimant's costs in the amount of three hundred twenty and 82/100 dollars ($320.82).

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 27th day of February, 2018.



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WHG/srs

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.