

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

BRENDA MEADE,

Claimant,

vs.

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

Employer,

and

INDEMNITY INSURANCE COMPAY
OF NORTH AMERICA,Insurance Carrier,
Defendants.

File No. 5059127

A P P E A L

D E C I S I O N

Head Notes: 1402.40; 1803; 1808; 2401;
2402; 2907; 5-9998

Defendants State Farm Mutual Automobile Insurance Company, employer, and its insurer, Indemnity Insurance Company of North America, appeal from an arbitration decision filed on November 20, 2019. Claimant Brenda Meade responds to the appeal. The case was heard on August 14, 2018, and it was considered fully submitted in front of the deputy workers' compensation commissioner on September 21, 2018.

The deputy commissioner found claimant sustained a cumulative injury to her bilateral upper extremities that arose out of and in the course of her employment with defendant-employer. The deputy commissioner found the proper manifestation date for claimant's injuries was April 11, 2017. As a result, the deputy commissioner found claimant provided timely notice of the injury and timely filed her claim. The deputy commissioner found claimant sustained combined functional disability of nine percent of the body as a whole pursuant to Iowa Code section 85.34(2)(s). The deputy commissioner ordered defendants to pay claimant's costs of the arbitration proceeding.

On appeal, defendants assert the deputy commissioner erred in finding claimant's condition was caused by her work activities. Defendants alternatively assert the deputy commissioner erred in finding claimant provided timely notice of the injury and in finding claimant timely filed her claim.

Claimant asserts on appeal that the arbitration decision should be affirmed in its entirety.

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 November 20, 2019, 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 claimant proved she sustained a cumulative injury to her bilateral upper extremities that arose out of and in the course of her employment. I affirm the deputy commissioner's finding that the appropriate manifestation date for the injury is April 11, 2017. I affirm the deputy commissioner's finding that claimant provided timely notice of her claim and I affirm the deputy commissioner's finding that claimant timely filed her claim. I affirm the deputy commissioner's order that defendants pay claimant's 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 November 20, 2019, is affirmed in its entirety.

Defendants shall pay claimant forty-five (45) weeks of permanent partial disability benefits at the weekly rate of one thousand one hundred eighteen and 81/100 dollars (\$1,118.81) commencing on September 5, 2017.

Defendant 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).

Pursuant to rule 876 IAC 4.33, defendants shall pay claimant's costs of the arbitration proceeding, and defendants shall also 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 6th day of August, 2020.

Joseph S. Cortese II

JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

The parties have been served as follows:

Richard R. Schmidt (via WCES)

Terri C. Davis (via WCES)