

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 30, 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.

Specifically, I affirm the deputy commissioner's finding that claimant sustained a combined 30 percent industrial disability as a result of both of his work injuries.

While I performed a de novo review, I give considerable deference to findings of fact that are impacted by the credibility findings, expressly or impliedly made, by the deputy commissioner who presided at the arbitration hearing. I find the deputy commissioner correctly assessed the credibility of claimant. I find nothing in the record in this matter which would cause me to reverse the deputy commissioner's credibility findings.

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

ORDER

IT IS THEREFORE ORDERED that the arbitration decision filed on April 30 2019, is affirmed in its entirety.

For the November 1, 2013, work injury, defendants shall pay claimant one hundred (100) weeks of permanent partial disability benefits at the stipulated weekly rate of six hundred eighty-nine and 21/100 dollars (\$689.21), commencing on the stipulated commencement date of April 7, 2016.

For the combination of the November 1, 2013, and January 27, 2017, work injuries, defendants shall pay claimant one hundred fifty (150) weeks of permanent partial disability benefits, at the stipulated weekly rate of seven hundred forty-nine and 18/100 dollars (\$749.18), commencing on the stipulated commencement date of January 28, 2017. Defendants shall receive a credit of one hundred (100) weeks of permanent partial disability benefits paid for the November 1, 2013, work injury, including a credit for all permanent partial disability benefits paid for the November 1, 2013, work injury prior to the date of this decision.

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).

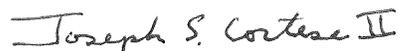
Defendants are responsible for four thousand two hundred fifty-eight and 72/100 dollars (\$4,258.72) for medical expenses paid by insurance, and defendants shall reimburse claimant two thousand one hundred twenty-seven and 68/100 dollars (\$2,127.68) for out-of-pocket medical expenses paid by claimant as itemized in Exhibit 6.

Pursuant to Iowa Code section 85.39, defendants shall reimburse claimant in the amount of four thousand three hundred eighty-five and no/100 dollars (\$4,385.00) for the cost of Dr. Kuhnlein's independent medical examination.

Pursuant to rule 876 IAC 4.33, defendants shall pay claimant's costs of the arbitration decision in the amount of two hundred sixteen and 59/100 dollars (\$216.59), 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 22nd day of May, 2020.



JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

The parties have been served as follows:

Jason Neifert Via WCES

James M. Ballard Via WCES