

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

PAUL McCLAIN,

Claimant,

vs.

LENNOX INDUSTRIES, INC.,

Employer,

and

INDEMNITY INSURANCE CO. OF N.A.,

Insurance Carrier,
Defendants.

File No. 1664566.01

A P P E A L

D E C I S I O N

: Head Notes: 1402.30; 1402.40; 1801; 1803;
: 2501; 2907; 5-9998

Defendants Lennox Industries, Inc., employer, and its insurer, Indemnity Insurance Company of North America, appeal from an arbitration decision filed on April 22, 2021. Claimant Paul McClain responds to the appeal. The case was heard on September 16, 2020, and it was considered fully submitted in front of the deputy workers' compensation commissioner on October 12, 2020.

In the arbitration decision, the deputy commissioner found claimant sustained an injury on December 11, 2018, that arose out of and in the course of his employment with defendant-employer. More specifically, the deputy commissioner found claimant's fall was not unexplained or idiopathic, but was instead an explained fall resulting from claimant catching his toe on an obstruction in or on the floor. In making those determinations, the deputy commissioner found claimant to be a credible witness, particularly with respect to the explanation of his fall. The deputy commissioner found claimant is entitled to receive healing period benefits from the date of injury through May 19, 2019. The deputy commissioner also found claimant sustained 12 percent permanent disability of his right leg. The deputy commissioner ordered defendants to pay for claimant's causally related medical expenses and claimant's costs of the arbitration proceeding in the amount of \$2,047.00.

On appeal, defendants assert claimant's fall was idiopathic or unexplained and defendants assert the deputy commissioner erred in finding claimant sustained a work-related injury. Defendants assert the deputy commissioner erred in awarding claimant

temporary disability benefits, permanent disability benefits, and medical benefits. Defendants assert each party should be responsible for their own costs.

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 April 22, 2021, which relate to the issues properly raised on intra-agency appeal.

I affirm the deputy commissioner's finding that claimant's fall was not unexplained or idiopathic. I affirm the deputy commissioner's finding that claimant caught his toe on some type of obstruction on the floor. I therefore affirm the deputy commissioner's finding that claimant's fall was explained, meaning the resulting injury arose out of and in the course of claimant's employment. I affirm the deputy commissioner's finding that claimant is entitled to receive both healing period benefits and permanent disability benefits. I affirm the deputy commissioner's finding that defendants are responsible for claimant's medical expenses related to the injury. I affirm the deputy commissioner's order that defendants pay claimant's costs of the arbitration proceeding.

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. The deputy commissioner found claimant to be a credible witness. I find nothing in the record in this matter which would cause me to reverse the deputy commissioner's credibility findings. I find the deputy commissioner correctly assessed claimant's credibility. I therefore affirm the deputy commissioner's finding that claimant was a credible witness.

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

ORDER

IT IS THEREFORE ORDERED that arbitration decision filed on April 22, 2021, is affirmed in its entirety.

All weekly benefits shall be paid at the weekly rate of seven hundred seventy-nine and 96/100 dollars (\$779.96).

Defendants shall pay claimant healing period benefits from December 11, 2018, through May 19, 2019.

Defendants shall pay claimant twenty-six point four (26.4) weeks of permanent partial disability benefits commencing May 20, 2019.

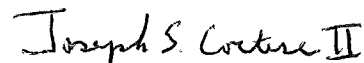
Defendant-employer shall pay accrued weekly benefits in a lump sum together with interest at an annual rate equal to the one-year treasury constant maturity published by the federal reserve in the most recent H15 report settled as of the date of injury, plus two percent.

Defendants shall pay the medical expenses itemized in Claimant's Exhibit 5.

Pursuant to rule 876 IAC 4.33, defendants shall pay claimant's costs of the arbitration proceeding in the amount of two thousand forty-seven and no/100 dollars (\$2,047.00), 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 September, 2021.



JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

The parties have been served as follows:

James Ballard (via WCES)

Robert Gainer (via WCES)