

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

JERRY LOCKE,

Claimant,

vs.

CITY OF WATERLOO, IOWA,

Employer,
Self-Insured,
Defendant.

File No. 19700544.01

A P P E A L

D E C I S I O N

: Head Notes: 1402.20; 1402.40; 1803; 2501;
: 2502; 2701; 2907; 5-9998

Defendant City of Waterloo, Iowa, self-insured employer, appeals from an arbitration decision filed on March 28, 2022. Claimant Jerry Locke responds to the appeal. The case was heard on August 25, 2021, and it was considered fully submitted in front of the deputy workers' compensation commissioner on October 8, 2021.

In the arbitration decision, the deputy commissioner found claimant met his burden of proof to establish the stipulated October 31, 2018, work injury either substantially caused, and/or materially aggravated, claimant's low back, tinnitus, right shoulder, neck, groin, and mental health conditions. The deputy commissioner found claimant sustained 35 percent functional loss for permanent impairments of his low back, neck, and right shoulder, and awarded claimant 175 weeks of permanent partial disability benefits at the stipulated weekly rate of \$669.06, commencing on May 17, 2021. The deputy commissioner found defendant is responsible for the causally connected medical bills set forth in Exhibit 6 for claimant's low back, neck, right shoulder, tinnitus, groin, and mental health conditions. The deputy commissioner found claimant is entitled to alternate care for his neck, right shoulder, groin, and mental health conditions, and the deputy commissioner ordered defendant to authorize care for claimant with Gayathry Inamdar, M.D., for claimant's groin condition, and with Patrick O'Connor, Ph.D., for claimant's mental health condition. The deputy commissioner found claimant is entitled to direct his care for his other conditions, including his right shoulder and neck conditions. Pursuant to Iowa Code section 85.39, the deputy commissioner found claimant is entitled to reimbursement from defendant in the amount of \$2,000.00 for the cost of the independent medical examination (IME) of claimant performed by Farid Manshadi, M.D. The deputy commissioner ordered defendant to pay claimant's costs of the arbitration proceeding in the amount of \$3,930.60.

Defendant asserts on appeal that the deputy commissioner erred in finding claimant proved the October 31, 2018, work injury either substantially caused, and/or materially aggravated, claimant's right shoulder and neck conditions. Defendant asserts the deputy commissioner erred in finding claimant is entitled to reimbursement for the medical expenses set forth in Exhibit 6. Defendant asserts the deputy commissioner erred in finding claimant is entitled to alternate medical care.

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 March 28, 2022, which relate to the issues properly raised on intra-agency appeal.

I find the deputy commissioner provided a well-reasoned analysis of all 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 the October 31, 2018, work injury either substantially caused, and/or materially aggravated, claimant's low back, tinnitus, right shoulder, neck, groin, and mental health conditions. I affirm the deputy commissioner's finding that claimant sustained 35 percent functional loss for the permanent impairments of his low back, neck, and right shoulder, and I affirm the award of 175 weeks of permanent partial disability benefits. I affirm the deputy commissioner's finding that defendant is responsible for the causally connected medical bills set forth in Exhibit 6 for claimant's low back, neck, shoulder, tinnitus, groin, and mental health conditions. I affirm the deputy commissioner's finding that claimant is entitled to alternate care for his neck, right shoulder, groin, and mental health conditions. I affirm the deputy commissioner's order that defendant shall authorize care with Dr. Inamdar for claimant's groin condition, and with Dr. O'Connor for claimant's mental health condition. I affirm the deputy commissioner's finding that claimant is entitled to direct his care for his other conditions, including his right shoulder and neck conditions. I affirm the deputy commissioner's finding that pursuant to Iowa Code section 85.39, claimant is entitled to reimbursement from defendant in the amount of \$2,000.00 for the cost of Dr. Manshadi's IME. I affirm the deputy commissioner's order that defendant pay claimant's costs of the arbitration proceeding in the amount of \$3,930.60.

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

ORDER

IT IS THEREFORE ORDERED that the arbitration decision filed on March 28, 2022, is affirmed in its entirety.

Defendant shall pay claimant one hundred seventy-five (175) weeks of permanent partial disability benefits at the stipulated weekly rate of six hundred sixty-nine and 06/100 dollars (\$669.06), commencing on May 17, 2021

Defendant 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.

Defendant shall receive credit for all benefits previously paid.

Defendant is responsible for the causally connected medical bills set forth in Exhibit 6 for claimant's low back, neck, shoulder, tinnitus, groin, and mental health conditions, including transportation costs.

Defendant shall authorize treatment for claimant's groin condition with Dr. Inamdar, and defendant shall authorize treatment for claimant's mental health condition with Dr. O'Connor.

Claimant shall be allowed to direct his own medical treatment with regard to his other causally connected medical conditions, including his neck and right shoulder conditions.

Pursuant to Iowa Code section 85.39, defendant shall reimburse claimant in the amount of two thousand and 00/100 dollars (\$2,000.00) for the cost of Dr. Manshadi's IME.

Pursuant to rule 876 IAC 4.33, defendant shall pay claimant's costs of the arbitration proceeding in the amount of three thousand nine hundred thirty and 60/100 dollars (\$3,930.60), and defendant shall pay the costs of the appeal, including the cost of the hearing transcript.

Pursuant to rule 876 IAC 3.1(2), defendant shall file subsequent reports of injury as required by this agency.

Signed and filed on this 3rd day of August, 2022.



JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

The parties have been served as follows:

Gary Nelson (via WCES)

Bruce Gettman (via WCES)