

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

RUSSELL BAKER,

Claimant,

vs.

KRAFT HEINZ COMPANY,

Employer,

and

INDEMNITY INSURANCE COMPANY,

Insurance Carrier,
Defendants.

File No. 5061692

A P P E A L

D E C I S I O N

Head Notes: 1803; 2907; 5-9998

Defendants Kraft Heinz Company, employer, and its insurer, Indemnity Insurance Company, appeal from an arbitration decision filed on September 19, 2019. Claimant Russell Baker responds to the appeal. The case was heard on March 15, 2019, and it was considered fully submitted in front of the deputy workers' compensation commissioner on May 20, 2019.

The deputy commissioner found claimant sustained 55 percent industrial disability as a result of the stipulated work-related injury which occurred on August 13, 2016, which entitles claimant to receive 275 weeks of permanent partial disability benefits commencing on January 22, 2018. The deputy commissioner ordered defendants to pay claimant's costs of the arbitration proceeding in the amount of \$100.00.

Defendants assert the deputy commissioner erred in finding claimant sustained 55 percent industrial disability as a result of the work injury. Defendants assert the award for industrial disability should be reduced substantially.

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

Those portions of the proposed agency 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 September 19, 2019, which relate to the issues properly raised on intra-agency appeal.

I find the deputy commissioner provided a well-reasoned analysis 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 sustained 55 percent industrial disability as a result of the work injury. I affirm the deputy commissioner's order that defendants pay claimant's costs of the arbitration proceeding in the amount of \$100.00.

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

ORDER

IT IS THEREFORE ORDERED that the arbitration decision filed on September 19, 2019, is affirmed in its entirety.

Defendants shall pay claimant two hundred seventy-five (275) weeks of permanent partial disability benefits at the weekly rate of four hundred eighty-seven and 70/100 dollars (\$487.70) commencing on January 22, 2018.

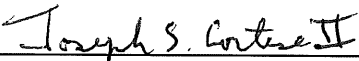
Defendants shall receive credit for benefits and overpayment previously paid as detailed in the Hearing Report.

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)

Pursuant to rule 876 IAC 4.33, defendants shall pay claimant's costs of the arbitration proceeding in the amount of one hundred and no/100 dollars (\$100.00), 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 24th day of April, 2020.



JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

The parties have been served as follows:

Kevin Halligan (via WCES)

Peter Thill (via WCES)