

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

FILED

MAY 17 2019

WORKERS' COMPENSATION

WAYNE PRAZAK,

Claimant,

vs.

ASSA ABLOY,

Employer,

and

TRAVELERS,

Insurance Carrier,
Defendants.

File No. 5055663

A P P E A L

D E C I S I O N

Head Note Nos: 1402.30; 1700; 1804;
2501; 2502; 2907; 5-9998

Defendants Assa Abloy, employer, and its insurer, Travelers, appeal from an arbitration decision filed on December 19, 2017. Claimant Wayne Prazak responds to the appeal. The case was heard on March 3, 2017, and it was considered fully submitted in front of the deputy workers' compensation commissioner on April 18, 2017.

The deputy commissioner found the stipulated injury which arose out of and in the course of claimant's employment with defendant-employer on June 3, 2014, caused claimant to sustain injuries to both shoulders. The deputy commissioner found claimant is permanently and totally disabled by the injuries to his shoulders sustained on June 3, 2014. The deputy commissioner found claimant is entitled to receive permanent total disability benefits commencing on September 2, 2015. The deputy commissioner found claimant is entitled to payment by defendants for the past requested medical expenses itemized in Exhibit 41. The deputy commissioner found defendants are entitled to a credit for the net amount of the \$15,010.95 paid to claimant by defendants prior to the arbitration hearing. The deputy commissioner found claimant is entitled to receive reimbursement from defendants in the amount of \$4,670.00 for the cost of the independent medical evaluation (IME) of claimant performed by Robin Sassman, M.D., on December 14, 2016. The deputy commissioner ordered defendants to pay claimant's costs of the arbitration proceeding in the amount of \$257.40.

Defendants assert on appeal that the deputy commissioner erred in finding claimant sustained injuries to both shoulders as a result of the June 3, 2014, work injury and in awarding claimant permanent total disability benefits. Defendants assert the award of permanent total disability benefits should be reversed.

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 December 19, 2017, which relate to the issues properly raised on intra-agency appeal.

I find the deputy commissioner provided sufficient 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 sustained injuries to both shoulders on June 3, 2014. I affirmed the deputy commissioner's finding that claimant is permanently and totally disabled as a result of the injuries to his shoulders sustained on June 3, 2014. I affirm the deputy commissioner's finding that claimant is entitled to receive permanent total disability benefits commencing on September 2, 2015, for the injuries in question. I affirm the deputy commissioner's finding that claimant is entitled to payment by defendants for the past requested medical expenses itemized in Exhibit 41. I affirm the deputy commissioner's finding that defendants are entitled to a credit for the net amount of the \$15,010.95 paid to claimant by defendants prior to the hearing. I affirm the deputy commissioner's finding that claimant is entitled to receive reimbursement from defendants for the cost of Dr. Sassman's IME. 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 all of the above issues.

ORDER

IT IS THEREFORE ORDERED that the arbitration decision filed on December 19, 2017, is affirmed in its entirety.

Defendants shall pay claimant permanent total disability benefits for so long as he is permanently and totally disabled at the weekly rate of six hundred nine and 82/100 dollars (\$609.82) commencing on September 2, 2015.

Defendants shall receive a credit for the net amount of the fifteen thousand ten and 95/100 dollars (\$15,010.95) paid to claimant by defendants prior to the arbitration hearing.

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 shall pay the past requested medical expenses itemized in Exhibit 41.

Defendants shall reimburse claimant in the amount of four thousand six hundred seventy and no/100 dollars (\$4,670.00) for the cost of Dr. Sassman's IME.

Pursuant to rule 876 IAC 4.33, defendants shall pay claimant's costs of the arbitration proceeding in the amount of two hundred fifty-seven and 40/100 dollars (\$257.40), 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 17th day of May, 2019.



JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

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