

## BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

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DAWN ESLINGER f/k/a DAWN  
BAKERINK,

Claimant,

vs.

ADAIR COUNTY MUTUAL INS.  
ASSOCIATION,

Employer,

and

GRINNELL MUTUAL REINSURANCE,

Insurance Carrier,  
Defendants.

File No. 21015112.01

A P P E A L

D E C I S I O N

Head Notes: 1402.20; 1402.40; 1403.10;  
1802; 2206; 2501; 2701;  
2907; 5-9998

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Defendants Adair County Mutual Insurance Association, employer, and its insurer, Grinnell Mutual Reinsurance, appeal from an arbitration decision filed on January 9, 2023. Claimant Dawn Eslinger, f/k/a Dawn Bakerink, responds to the appeal. The case was heard on June 2, 2022, and it was considered fully submitted in front of the deputy workers' compensation commissioner on July 11, 2022.

In the arbitration decision, the deputy commissioner found claimant met her burden of proof to establish she sustained an injury to her left knee on May 24, 2019, arising out of and in the course of her employment with defendant-employer. The deputy commissioner found claimant failed to prove she sustained an injury to her right knee as a result of the work injury. The deputy commissioner found claimant was not at maximum medical improvement (MMI) for the work injury at the time of the arbitration hearing. The deputy commissioner found claimant is not entitled to reimbursement for the requested past medical expenses because defendants did not authorize that treatment. The deputy commissioner found claimant is entitled to alternate medical care with Craig Mahoney, M.D. for the work injury. The deputy commissioner found that pursuant to Iowa Code section 85.39, claimant is entitled to reimbursement in the amount of \$4,828.00 for the cost of the independent medical evaluation (IME) of claimant performed by John Kuhnlein, D.O. The deputy commissioner ordered

defendants to pay claimant's costs of the arbitration proceeding in the amount of \$684.96.

Defendants assert on appeal that the deputy commissioner erred in finding claimant proved she sustained a work-related injury to her left knee as alleged. Defendants assert the deputy commissioner erred in finding claimant is entitled to alternate medical care. Defendants assert the deputy commissioner erred in finding claimant is entitled to reimbursement for the cost of Dr. Kuhnlein's IME. Defendants assert the deputy commissioner erred in ordering defendants to pay claimant's costs of the arbitration proceeding.

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 part of this appeal decision.

I 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.15 and 86.24, I affirm and adopt as the final agency decision those portions of the proposed arbitration decision filed on January 9, 2023, 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 she sustained a work-related injury to her left knee on May 24, 2019, as alleged. I affirm the deputy commissioner's finding that claimant failed to prove she sustained an injury to her right knee as a result of the work injury. I affirm the deputy commissioner's finding that claimant was not at MMI for the work injury at the time of the arbitration hearing. I affirm the deputy commissioner's finding that claimant is not entitled to reimbursement for the requested past medical expenses because defendants did not authorize that treatment. I affirm the deputy commissioner's finding that claimant is entitled to alternate medical care with Dr. Mahoney for the work injury. If Dr. Mahoney declines to treat claimant, defendants shall select an authorized treating physician for claimant for the work injury. I affirm the deputy commissioner's finding that pursuant to Iowa Code section 85.39, claimant is entitled to reimbursement for the cost of Dr. Kuhnlein'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 the above-stated issues.

ORDER

IT IS THEREFORE ORDERED that the arbitration decision filed on January 9, 2023, is affirmed in its entirety.

This matter is bifurcated and only the issues addressed herein are final. At such point in the future when either party contends claimant has reached maximum medical improvement, or other justiciable issues arise, that party may request a bifurcated hearing by motion on permanency, or on any other disputed issue, without filing a new petition.

Defendants shall promptly authorize treatment for claimant for the work injury with Dr. Mahoney. If Dr. Mahoney declines to treat claimant, defendants shall select an authorized treating physician for claimant for the work injury.

Pursuant to Iowa Code section 85.39, defendants shall reimburse claimant in the amount of four thousand eight hundred twenty-eight and 00/100 dollars (\$4,828.00) for the cost of Dr. Kuhnlein's IME.

Pursuant to rule 876 IAC 4.33, defendants shall pay claimant's costs of the arbitration proceeding in the amount of six hundred eighty-four and 96/100 dollars (\$684.96), 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 26<sup>th</sup> day of July, 2023.

  
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JOSEPH S. CORTESE II  
WORKERS' COMPENSATION  
COMMISSIONER

The parties have been served as follows:

James Ballard (via WCES)

Stephen Spencer (via WCES)

Christopher Spencer (via WCES)