

## BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

RUBELINDA QUINTANILLA,

Claimant,

vs.

WELLS ENTERPRISES, INC.,

Employer,  
Self-Insured,  
Defendant.

File No. 21700457.01

A P P E A L

D E C I S I O N

Headnotes: 1402.40; 1801; 2501; 2907;  
4000; 5-9998

Defendant Wells Enterprises, Inc., self-insured employer, appeals from an arbitration decision filed on July 5, 2022. Claimant Rubelinda Quintanilla responds to the appeal. The case was heard on April 28, 2022, and it was considered fully submitted in front of the deputy workers' compensation commissioner on June 3, 2022.

In the arbitration decision, the deputy commissioner found claimant carried her burden of proof to establish she is entitled to receive temporary total disability (TTD) benefits from defendant from May 4, 2021, through April 19, 2022. The deputy commissioner found claimant's termination by defendant on May 3, 2021, was for conduct by claimant which was not tantamount to a refusal by claimant of suitable light duty work, with the result that claimant was not disqualified from receiving TTD benefits from defendant from May 4, 2021, through April 19, 2022. The deputy commissioner found claimant is entitled to receive penalty benefits from defendant in the amount of \$1,000.00 because defendant failed from May 4, 2021, through November 8, 2021, to properly convey to claimant defendant's reasons for refusing to pay claimant TTD benefits for the time period in question.

Defendant asserts on appeal that the deputy commissioner erred in finding claimant proved she is entitled to receive TTD benefits from May 4, 2021, through April 19, 2022. Defendant asserts the deputy commissioner erred in finding claimant's termination was for conduct by claimant which was not tantamount to a refusal by claimant of suitable light duty work. Defendant asserts the deputy commissioner erred in finding claimant was not disqualified from receiving TTD benefits from defendant from May 4, 2021, through April 19, 2022. Defendant asserts the deputy commissioner erred in finding claimant is entitled to receive penalty benefits because defendant asserts the deputy commissioner erred in finding defendant failed to properly convey to claimant defendant's reasons for refusing to pay claimant TTD benefits for the time period in question.

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 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 July 5, 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 she is entitled to receive TTD benefits from defendant from May 4, 2021, through April 19, 2022. I affirm the deputy commissioner's finding that claimant's termination by defendant on May 3, 2021, was for conduct by claimant which was not tantamount to a refusal by claimant of suitable light duty work, and I affirm the deputy commissioner's finding that claimant was not disqualified from receiving TTD benefits from defendant from May 4, 2021, through April 19, 2022. I affirm the deputy commissioner's finding that claimant is entitled to receive penalty benefits from defendant in the amount of \$1,000.00 because defendant failed from May 4, 2021, through November 8, 2021, to properly convey to claimant defendant's reasons for refusing to pay claimant TTD benefits for the time period in question.

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 July 5, 2022, is affirmed in its entirety.

Defendant shall pay Claimant temporary total disability benefits from May 4, 2021, through April 19, 2022, at the stipulated weekly rate of seven hundred fifty and 81/100 dollars (\$750.81).

Defendant shall receive credit for all benefits paid to date.

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.

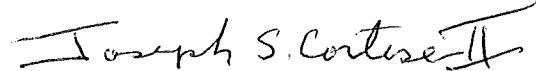
Defendant shall pay claimant one thousand and 00/100 dollars (\$1,000.00) in penalty benefits.

Defendant is responsible for all causally connected medical bills, as stipulated in defendant's post-hearing brief.

Pursuant to rule 876 IAC 4.33, 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 31<sup>st</sup> day of October, 2022.



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JOSEPH S. CORTESE II  
WORKERS' COMPENSATION  
COMMISSIONER

The parties have been served as follows:

Judy Freking (via WCES)

Al Sturgeon (via WCES)

Steven Durick (via WCES)