

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

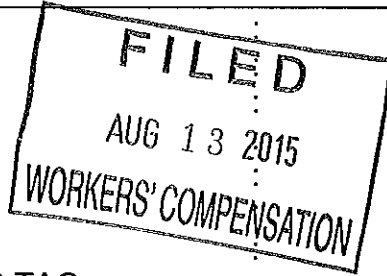
TU HA,

Claimant,

vs.

CMP TACTICAL LAZER TAG,

Employer,
Defendant.



File No. 5051121

ORDER NUNC PRO TUNC

The undersigned issued an arbitration decision in this matter on August 13, 2015. By that decision, the undersigned awarded benefits, including penalty benefits. The first paragraph on page 14 of the arbitration decision states:

The undersigned awarded claimant healing period benefits from January 19, 2014 through January 29, 2014, a period of 1 week and 4 days. This award entitles claimant to \$426.20 in healing period benefits (1.571 weeks x \$271.29 = \$426.20). The undersigned also awarded claimant 125 weeks of permanent partial disability benefits, worth \$33,911.25 (125 weeks x \$271.29 = \$33,911.25). Defendant has played virtually no role in claimant's claim, her medical treatment, her disability, or defense of this claim. This type of disregard for its own employee and the litigation process warrants an award of the maximum penalty, 50 percent. Claimant is therefore entitled to penalty benefits in the amount of \$213.10 for nonpayment of healing period benefits and \$16,955.62 for nonpayment of permanent disability benefits, for a total penalty award of \$17,168.72.

In computing the award of penalty benefits, the undersigned failed to acknowledge the entire award of permanent partial disability benefits had not yet accrued. Benefits that have not accrued are not subject to an award of penalty benefits. Therefore, the following paragraph shall be substituted for the above paragraph in the arbitration decision:

The undersigned awarded claimant healing period benefits from January 19, 2014 through January 29, 2014, a period of 1 week and 4 days. This award entitles claimant to \$426.20 in healing period benefits (1.571 weeks x \$271.29 = \$426.20). The undersigned also awarded claimant 125 weeks of permanent partial disability benefits, worth \$33,911.25 (125 weeks x \$271.29 = \$33,911.25). As of the date of filing of this decision, 80.286 weeks of permanent partial disability benefits have

accrued, worth \$21,780.79 ($80.286 \times \$271.29 = \$21,780.79$). Defendant has played virtually no role in claimant's claim, her medical treatment, her disability, or defense of this claim. This type of disregard for its own employee and the litigation process warrants an award of the maximum penalty, 50 percent. Claimant is therefore entitled to penalty benefits in the amount of \$213.10 for nonpayment of healing period benefits and \$10,890.39 for nonpayment of permanent disability benefits, for a total penalty award of \$11,103.49.

The order portion of the decision is also modified accordingly to reflect an award of penalty benefits in the amount of \$11,103.49.

Signed and filed this 13th day of August, 2015.



ERICA J. FITCH
DEPUTY WORKERS'
COMPENSATION COMMISSIONER

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