BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

:

WILLIE TURNER,

AIG,

Claimant,

: File No. 5029244 vs. :

: MEMORANDUM OF DECISION

HEARTLAND TRANSPORTATION, INC., :
ON ALTERNATE

Employer, : MEDICAL CARE

and : MEDICAL CARE

: Insurance Carrier. : HEAD NOTE NO: 2701

Insurance Carrier, : HEAD NOTE NO: 2

Claimant filed a petition seeking alternate medical care. A telephonic hearing on this petition was held as scheduled on July 14, 2009 at 8:30 a.m., CST. All parties were given proper notice of this hearing and were aware that the undersigned has been delegated final agency decision authority in this proceeding. Only claimant appeared in these proceedings and at hearing. Defendant failed to appear in any manner. Pursuant to lowa Code section 17A.12, default on the issue of liability for the condition sought to be treated was entered and the matter proceeded to hearing.

This medical care dispute arose over care being given by defendants as a result of a work injury on or about February 14, 2009 and a left wrist and left shoulder condition arising from that injury. The entire hearing was recorded by a digital voice recorder. A detailed decision containing findings of fact and conclusions of law was dictated into the record on the date of the hearing. This decision will not be reproduced in typewritten form unless there is an appeal from this decision, at which time the procedures under the administrative code are to be followed. Any rights of appeal will run from the date the decision was dictated into the record and this memorandum is solely for the purpose of the agency file.

In the decision, it was ordered that claimant's petition for alternate care be granted and defendants provide to claimant the care and treatment recommended by defendants' chosen physicians, Edward Leventen, M.D and Dr. Chen, including the prescription medications, CT wrist scan and the balance of the physical therapy sessions ordered by these doctors. As defendants acted unreasonably in the delay and

TURNER V. HEARTLAND TRANSPORTATION, INC. Page 2

interference with the care of their own physicians, defendants have lost the right to choose the care and are ordered to provide any other care for these medical conditions sought by claimant. This decision was rendered on July 14, 2009.

This memorandum of decision is signed and filed this ____15th____ day of July, 2009.

LARRY WALSHIRE
DEPUTY WORKERS'
COMPENSATION COMMISSIONER

Copies to:

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LPW/srs