BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

DANIEL L. JEFFREY,

    Claimant,

vs.

WEITZ INDUSTRIAL, LLC,

    Employer,

and

ESIS,

    Insurance Carrier,
    Defendants.

File No. 5044177

A P P E A L

D E C I S I O N

F I L E D

APR 2 3 2015

WORKERS' COMPENSATION

HEAD NOTES: 1108, 1801

Defendants, Weitz Industrial, L.L.C., employer, and ESIS Insurance Company, insurance carrier, appeal from an arbitration decision filed on July 7, 2014. Claimant, Daniel L. Jeffrey does not cross-appeal. The case was heard on May 20, 2014, and was considered fully submitted on June 23, 2014. The deputy commissioner found that Mr. Jeffrey sustained an injury to his low back which arose out of and in the course of his employment and awarded claimant ongoing payment of temporary total disability/healing period benefits until such time as benefits may be terminated pursuant to Iowa Code sections 85.22 and 85.34. Defendants assert on appeal that the deputy commissioner erred in finding Mr. Jeffrey's back claim compensable. On March 19, 2015, the case was delegated to the undersigned to issue the final agency decision of the intra-agency appeal. The detailed arguments of the parties have been considered and the record of evidence has been reviewed de novo.

Pursuant to Iowa Code sections 86.24 and 17A.5, I affirm and adopt as the final agency decision those portions of the proposed arbitration decision filed on July 7, 2014, that relate to the issues properly raised on intra-agency appeal without additional comment.

ORDER

IT IS THEREFORE ORDERED that the arbitration decision of July 7, 2014, is AFFIRMED.

Defendants shall pay the costs of the appeal, including the preparation of the hearing transcript.

Signed and filed this 22nd day of April, 2015.

ERIN Q. PALS
DEPUTY WORKERS' COMPENSATION
COMMISSIONER

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