

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

RANDY HALL,
Claimant,

vs.

CARGILL MEAT SOLUTIONS CORP.,
Employer,

and

THE INSURANCE COMPANY OF THE
STATE OF PENNSYLVANIA,

Insurance Carrier,
Defendants.

FILED

MAR 27 2018

WORKERS' COMPENSATION

File No. 5044361

A P P E A L

D E C I S I O N

Head Note Nos: 1402.30; 1402.40; 2204;
5-9998

Claimant Randy Hall appeals from an arbitration decision filed on November 7, 2016. Claimant also appeals from a ruling filed on September 28, 2016, which denied claimant's motion to exclude reports of Philip Ascheman, Ph.D. Defendants Cargill Meat Solutions Corp., employer, and its insurer, The Insurance Company of the State of Pennsylvania, respond to the appeal. The case was heard on June 20, 2016, and it was considered fully submitted in front of the deputy workers' compensation commissioner on September 1, 2016.

Claimant's motion to exclude reports of Philip Ascheman, Ph.D., was filed by claimant on September 1, 2016. The motion sought to exclude Joint Exhibits H and K from admission into evidence. The arbitration hearing in this case took place on June 20, 2016. The deputy commissioner denied claimant's motion because it was filed more than two months after the hearing took place and the proper time to object to Joint Exhibits H and K was at the hearing. Another basis for the deputy commissioner's denial of the motion was that the items sought to be excluded had already been admitted into evidence as joint exhibits. Not only had claimant not objected to Exhibits H and K at hearing, but claimant concurred with the admission at the hearing of Exhibits H and K as joint exhibits. I affirm the deputy commissioner's ruling filed on September 28, 2016, which denied claimant's motion to exclude reports of Philip Ascheman, Ph.D. Claimant's motion was untimely and it was entirely without merit. Claimant's appeal of the deputy commissioner's ruling denying the motion also was entirely without merit.

In the arbitration decision, the deputy commissioner found claimant failed to carry his burden of proof that he sustained a non-physical mental-mental injury which arose out of and in the course of his employment with defendant-employer on or about January 15, 2013, as alleged. Because the deputy commissioner found claimant failed to carry his burden of proof on the issues of causation and compensability regarding claimant's alleged injury, the deputy commissioner found claimant failed to prove entitlement to temporary disability benefits, or any other benefits. The deputy commissioner also ordered the parties to pay their own costs of the arbitration proceeding.

Claimant asserts on appeal that the deputy commissioner erred in finding claimant failed to carry his burden of proof that he sustained a work-related non-physical mental-mental injury on or about January 15, 2013, as alleged. Claimant asserts the deputy commissioner erred in finding claimant failed to prove entitlement to temporary disability benefits for the alleged injury.

Defendants assert on appeal that the arbitration decision should be affirmed in its entirety.

Those portions of the proposed agency decision pertaining to issues not raised on appeal are adopted as a 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 November 7, 2016, 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 failed to carry his burden of proof that he sustained a work-related non-physical mental-mental injury on or about January 15, 2013, as alleged. I affirm the deputy commissioner's finding that claimant failed to prove entitlement to temporary disability benefits or any other benefits. I affirm the deputy commissioner's order that the parties pay their own costs of the arbitration proceeding. I affirm the deputy commissioner's findings, conclusions and analysis regarding those issues.

ORDER

IT IS THEREFORE ORDERED that the arbitration decision filed on November 7, 2016, is affirmed in its entirety.

Claimant shall take nothing from these proceedings

Pursuant to rule 876 IAC 4.33, the parties shall pay their own costs of the arbitration proceeding, and claimant shall pay the costs of the appeal, including the cost of the hearing transcript.

Signed and filed on this 27th day of March, 2018.



JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

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