

## BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

JEFFREY WOLF,

Claimant,

vs.

PRAIRIE FARMS DAIRY,

Employer,

and

INDEMNITY INSURANCE CO. OF NA,

Insurance Carrier,  
Defendants.

File No. 1662827.01

A P P E A L

D E C I S I O N

Head Notes: 1402.40; 1804; 2502; 2907;  
5-9998

Defendants Prairie Farms Dairy, employer, and its insurer, Indemnity Insurance Co. of NA, appeal from an arbitration decision filed on January 27, 2022. Claimant Jeffrey Wolf responds to the appeal. The case was heard on May 27, 2021, and it was considered fully submitted in front of the deputy workers' compensation commissioner on July 2, 2021.

In the arbitration decision, the deputy commissioner found claimant carried his burden of proof to establish he is permanently and totally disabled as a result of the stipulated work injury which occurred on March 12, 2019. The deputy commissioner awarded claimant permanent total disability benefits commencing on April 8, 2020. The deputy commissioner ordered defendants to pay claimant's costs of the arbitration proceeding in the amount of \$212.80.

Defendants assert on appeal that the deputy commissioner erred in finding claimant is permanently and totally disabled as a result of the work injury. Defendants assert the award for permanent disability should be reduced substantially.

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 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 January 27, 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 he is permanently and totally disabled as a result of the work injury. I affirm the deputy commissioner's award of permanent total disability benefits for the injury. I affirm the deputy commissioner's order that defendants pay claimant's costs of the arbitration proceeding in the amount of \$212.80.

I affirm the deputy commissioner's findings, conclusions, and analysis regarding those issues.

#### ORDER

IT IS THEREFORE ORDERED that the arbitration decision filed on January 27, 2022, is affirmed in its entirety.

Defendants shall pay claimant permanent total disability benefits at the weekly rate of seven hundred thirty-one and 46/100 dollars (\$731.46) commencing on April 8, 2020.

Defendants shall receive credit for all benefits previously paid.

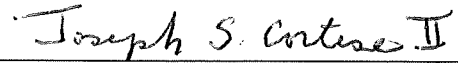
Defendants shall pay accrued weekly benefits in a lump sum together with interest payable at an annual rate equal to the one-year treasury constant maturity published by the federal reserve in the most recent H15 report settled as of the date of injury, plus two percent, as required by Iowa Code section 85.30.

As agreed by the parties at the hearing, defendants shall reimburse claimant for the cost of the independent medical evaluation of claimant performed by Mark Taylor, M.D.

Pursuant to rule 876 IAC 4.33, defendants shall pay claimant's costs of the arbitration proceeding in the amount of two hundred twelve and 80/100 dollars (\$212.80), and defendants shall pay the costs of the appeal, including the cost of the hearing transcript.

Pursuant to rule 876 IAC 3.1(2), defendants shall file subsequent reports of injury as required by this agency.

Signed and filed on this 6<sup>th</sup> day of July, 2022.

Handwritten signature of Joseph S. Cortese II in cursive script.

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JOSEPH S. CORTESE II  
WORKERS' COMPENSATION  
COMMISSIONER

The parties have been served as follows:

Matthew Dake (via WCES)

Thomas Wolle (via WCES)