BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

JANET FISHER,

Claimant,

vs.

FOREST NURSERY OF IA-WIS-IL, INC.,

Employer,

and

ACUITY,

Insurance Carrier,
Defendants.

File No. 5042813

ARBITRATION DECISION

Head Note Nos.: 1100; 1108; 1803; 2500

STATEMENT OF THE CASE

Janet Fisher filed a petition for arbitration seeking workers' compensation benefits from Forest Nursery of IA-WIS-IL, Inc. (hereinafter "Forest Nursery"), as the employer and Acuity, the insurance carrier.

The matter came on for hearing on May 28, 2015, before deputy workers' compensation commissioner Joseph L. Walsh in Des Moines, Iowa. The record in the case consists of Claimant's Exhibits 1 through 23; Defense Exhibits A through U; as well the sworn testimony of claimant, Janet Fisher. The claimant was represented by Pressley Henningsen and the defendants by Matt Novak. The record was held open for the sworn deposition testimony of Leo Frueh and Mary Frueh. Those depositions were entered into evidence on August 20, 2015, as Defendants' Exhibits V and W. Jill Blake served as the court reporter. The parties briefed this case and the matter was fully submitted on August 20, 2015.

ISSUES

1. Whether the claimant suffered an injury which arose out of and in the course of employment on May 23, 2011.

2. Whether the alleged work injury resulted in any permanent partial disability.

3. It the claimant has proven an injury and causal connection, what is the nature and extent of the claimant's disability? The parties do not agree upon the date of commencement for disability benefits.

4. The rate of compensation is disputed.

5. Whether the claimant is entitled to medical expenses as outlined in Exhibits 14 and 15. Defendants dispute these bills primarily upon the basis of causal connection.

6. Costs are disputed.

STIPULATIONS

Through the hearing report, the parties stipulated to the following:

1. The parties had an employer-employee relationship at the time of the alleged injury.

2. Temporary disability benefits are not in dispute.

3. If any permanent partial benefits are owed, the parties stipulate that the injury is industrial.

4. Affirmative defenses have been waived.

5. There is no issue surrounding credit.

FINDINGS OF FACT

Janet Fisher is a pleasant, 55-year-old former employee of Forest Nursery. She was born in 1959. Ms. Fisher testified credibly at hearing. Her testimony was very straightforward and matter-of-fact. Her presentation was that of a small town farmer. Her testimony is consistent with the records in evidence and there was nothing about her demeanor which gave the undersigned cause for concern.

Ms. Fisher grew up on a farm near Mechanicsville, Iowa, and graduated from high school in 1978. She has no college or vocational education. Ms. Fisher farmed with her father and brothers until 1990, when she purchased the farm herself. In 1995, she sold the farm. Between 1996 and 2001, she worked for a dairy farm near Monticello, Iowa. During that same time frame she worked part-time at Cascade Forestry, a tree farm.

For most of her working career, Ms. Fisher worked various agricultural jobs, primarily performing labor for dairy operations or tree farms. Much of her employment was seasonal. She also worked in some temporary positions in the field of

manufacturing. In 2007-2008, she worked at Family Dollar Distribution Center, as a forklift driver. Her primary skills; however, center around agriculture. Her work history is set forth in detail in Claimant's Exhibit 9, pages 76-79.

In 2008, she began employment with Forest Nursery, the successor owner of Cascade Forestry, where she had worked off and on since 1996. Forest Nursery operated a tree farm. By 2010, Mrs. Fisher was a laborer and a supervisor who handled some paperwork. Her position was described as "grading supervisor." (Claimant's Exhibit 9, page 78) She was involved in virtually all aspects of running the tree farm.

Prior to May 23, 2011, Ms. Fisher had experienced some episodes of low back pain and occasionally sought chiropractic care. Based upon the record before the agency, she had never had any radiculopathy.

On May 23, 2011, Ms. Fisher experienced back pain at work, which is the subject of this hearing. Ms. Fisher testified at hearing that she had worked long hours in the weeks leading up to the May 23, 2011, back pain. She drove a skid loader and operated a forklift. She was also required to do a great deal of twisting, turning and lifting in her job at the nursery. (Cl. Ex. 13, Fisher Deposition, pp. 22-23) On March 23, 2011, she was standing, bent over a custom-built table, looking through tree orders when she felt a sharp pain through her low back. She then experienced numbness that spread down her left leg. She testified she tried to "walk it off" but it did not help.

The defendants contend Ms. Fisher reported a different version of the injury to them. Mary Frueh, one of the co-owners of Forest Nursery, testified that Ms. Fisher reported she was "walking across the floor and she had a tremendous amount of pain." (Defendants' Ex. V, p. 4) In the minds of the defendant employer, the fact that the claimant reported she was walking, and not standing over the custom-built table, is a significant and fatal deviation.

Ms. Fisher sought treatment immediately at the emergency room (Jones Regional Medical Center). She was evaluated by Thomas R. Serbousek, M.D., on May 23, 2011. He recorded the following. "States she was simply walking and developed severe pain in the right buttocks with radiation down her entire right leg." (Def. Ex. F, p. 1) Ms. Fisher testified that Dr. Serbousek's record incorrectly mentioned the right leg in that record.

Dr. Serbousek diagnosed sciatica and provided medications, instructing her to follow up with her physician. The following day, she visited Anamosa Family Practice. Charles Vernon, M.D., documented the following history.

> This came on quite suddenly on that day on 5-23 just while walking. She did not have [*sic*] any lifting. She had some numbness down that left leg.

> She has had to drag that left leg behind her. There was not any injury. There was no new activity that brought this on.

(Def. Ex. G, p. 1) Dr. Vernon diagnosed sciatic radiculopathy, adjusted her medications and ordered an MRI. (Def. Ex. G, p. 2)

On May 26, 2011, Ms. Fisher was hospitalized for severe low back pain. Kiran Nagarajan, M.D., provided the following history. "It started all of a sudden on Monday when she was walking." (Def. Ex. H, p. 1) That same day she was seen by Mary Hlavin, M.D., who diagnosed L4 radiculopathy secondary to lumbar spondylosis. (Cl. Ex. 2, p. 6) On May 27, 2011, the MRI was performed. She remained hospitalized until May 31, 2011.

On June 3, 2011, Ms. Fisher followed up at Anamosa Family Practice, Alissa Schepanski, PA-C. "Her MRI shows some mild arthritic change (facet arthropathy) and a small bulging disc." (Cl. Ex. 4, p. 22) She then followed up with Dr. Hlavin on June 17, 2011. Dr. Hlavin diagnosed a "far lateral herniated disk at the L4-5 level." (Def. Ex. D, p. 1) At this time, Ms. Fisher was taking 3 oxydodone per day. Dr. Hlavin prescribed her Neurontin as well. She recommended an epidural steroid injection, which did not happen. Ms. Fisher has had no follow-up care for her low back since June 2011.

On June 6, 2011, Ms. Fisher gave a recorded statement to the adjustor from Acuity, which was remarkably consistent with her testimony at hearing. (Cl. Ex. 13, Fisher Depo., pp. 47-48) She described standing at her workstation bent over her work when a sharp stabbing pain came on, going down the left side. She had done no heavy physical work that morning. Her primary activities that morning prior to the onset of pain, was walking around her work area.

In August 2011, Dr. Hlavin's office wrote Ms. Fisher a medical restriction of no lifting greater than 25 pounds due to lumbar radiculopathy. (Def. Ex. C)

On August 15, 2011, Acuity denied Ms. Fisher's claim on the basis of a report from Randal Wojciehoski, D.O., D.P.M. (Def. Ex. E; see also Def. Ex. A) Dr. Wojciehoski performed a medical review from Stevens Point, Wisconsin. He never evaluated Ms. Fisher.

Ms. Fisher was evaluated for an independent medical evaluation by Robin L. Epp, M.D. in August 2012. Dr. Epp performed a thorough examination and review of the records. She rendered the following expert opinions. She diagnosed "Low back pain with MRI evidence of disc bulge at L4-L5 and L3-L4." (Cl. Ex. 5, p. 35) She related this condition to her sudden onset of pain at work on May 23, 2011.

> This opinion is supported by the fact that prior to this incident, although she had occasional back strains, she never had any symptoms down her

> legs. The radicular symptoms did not start until this injury on or about May 23, 2011. During the injury, she was bent over and had spent a significant amount of time in days just prior to the injury twisting, turning while driving a skid loader. Given the physical nature of her job and the activities that she was required to perform in her job, it is my opinion that her work played a significant role in the injury. In addition, she was going about the responsibilities of her job when this injury occurred.

(Cl. Ex. 5, p. 35) She provided a 10 percent functional impairment rating and recommended restrictions to limit lifting, pushing pulling and carrying to 25 pounds, prohibit vibratory tools and limit the use of ladders and stairs. She further recommended that she occasionally "sit, stand, walk, stoop, bend, crawl and rarely kneeling." (Cl. Ex. 5, p. 36)

Ms. Fisher continued to work in her regular job for Forest Nursery until the business closed in 2014. Every spring, Ms. Fisher would provide Mary and Leo Freuh with her medical restrictions, and more particularly, Ms. Fisher's explanation of which work tasks she was unable to perform as a result of her restrictions. (Def. Ex. S, pp. 1-3) As long as she follows her restrictions, her symptoms are not too bad. (Cl. Ex. 5, p. 33) The employer apparently accommodated these restrictions and Ms. Fisher worked. She had normal, seasonal layoffs, but generally worked. (Def. Ex. L) When she was laid off, she drew unemployment. (Def. Ex. K) Her last check was for the week ending June 27, 2014. (Def. Ex. K, p. 5) The business closed in the summer of 2014. In the weeks leading up to the business closing, Ms. Fisher worked between 50 and 70 hours per week. (Def. Exs. W, L; Frueh Depo., p. 13)

In April 2015, Ms. Fisher was evaluated by Kent Jayne through Worklife Resources. He provided an expert vocational report with numerous opinions about Ms. Fisher's employability. His report is lengthy and, at times, hard to follow. He appeared to conclude that Ms. Fisher is totally unemployable. (Cl. Ex. 7, p. 51) I do not agree with this assessment.

Ms. Fisher's position was classified as permanent, full-time and seasonal. (Def. Ex. W, L; Frueh Depo., p. 12)

At the time of hearing, Ms. Fisher continued to experience pain in her low back, left hip and leg. The pain was fairly constant but was controlled significantly if she followed her restrictions. She was on no pain medications. She has performed a substantial work search which had not produced any results as of the date of hearing. She had applied for nearly 300 jobs. (Cl. Ex. 17)

CONCLUSIONS OF LAW

The first question is whether Ms. Fisher sustained an injury which arose out of and in the course of her employment. By a preponderance of evidence, I find that she

did.

The claimant has the burden of proving by a preponderance of the evidence that the alleged injury actually occurred and that it both arose out of and in the course of the employment. Quaker Oats Co. v. Ciha, 552 N.W.2d 143 (Iowa 1996); Miedema v. Dial Corp., 551 N.W.2d 309 (Iowa 1996). The words "arising out of" referred to the cause or source of the injury. The words "in the course of" refer to the time, place, and circumstances of the injury. 2800 Corp. v. Fernandez, 528 N.W.2d 124 (Iowa 1995). An injury arises out of the employment when a causal relationship exists between the injury and the employment. Miedema, 551 N.W.2d 309. The injury must be a rational consequence of a hazard connected with the employment and not merely incidental to the employment. Koehler Elec. v. Wills, 608 N.W.2d 1 (Iowa 2000); Miedema, 551 N.W.2d 309. An injury occurs "in the course of" employment when it happens within a period of employment at a place where the employee reasonably may be when performing employment duties and while the employee is fulfilling those duties or doing an activity incidental to them. Ciha, 552 N.W.2d 143.

A personal injury contemplated by the workers' compensation law means an injury, the impairment of health or a disease resulting from an injury which comes about, not through the natural building up and tearing down of the human body, but because of trauma. The injury must be something that acts extraneously to the natural processes of nature and thereby impairs the health, interrupts or otherwise destroys or damages a part or all of the body. Although many injuries have a traumatic onset, there is no requirement for a special incident or an unusual occurrence. Injuries which result from cumulative trauma are compensable. Increased disability from a prior injury, even if brought about by further work, does not constitute a new injury, however. St. Luke's Hosp. v. Gray, 604 N.W.2d 646 (Iowa 2000); Ellingson v. Fleetguard, Inc., 599 N.W.2d 440 (Iowa 1999); Dunlavey v. Economy Fire and Cas. Co., 526 N.W.2d 845 (Iowa 1995); McKeever Custom Cabinets v. Smith, 379 N.W.2d 368 (Iowa 1985). An occupational disease covered by chapter 85A is specifically excluded from the definition of personal injury. Iowa Code section 85.61(4)(b); Iowa Code section 85A.8; Iowa Code section 85A.14.

When the injury develops gradually over time, the cumulative injury rule applies. The date of injury for cumulative injury purposes is the date on which the disability manifests. Manifestation is best characterized as that date on which both the fact of injury and the causal relationship of the injury to the claimant's employment would be plainly apparent to a reasonable person. The date of manifestation inherently is a fact based determination. The fact-finder is entitled to substantial latitude in making this determination and may consider a variety of factors, none of which is necessarily dispositive in establishing a manifestation date. Among others, the factors may include missing work when the condition prevents performing the job, or receiving significant medical care for the condition. For time limitation purposes, the discovery rule then becomes pertinent so the statute of limitations does not begin to run until the employee, as a reasonable person, knows or should know, that the cumulative injury condition is

serious enough to have a permanent, adverse impact on his or her employment. Herrera v. IBP, Inc., 633 N.W.2d 284 (Iowa 2001); Oscar Mayer Foods Corp. v. Tasler, 483 N.W.2d 824 (Iowa 1992); McKeever Custom Cabinets v. Smith, 379 N.W.2d 368 (Iowa 1985).

The greater weight of evidence establishes that Ms. Fisher was performing physical labor, including bending, twisting and lifting in the busy work days leading up to May 23, 2011. On May 23, 2011, Ms. Fisher arrived at work and began performing her work duties (reading invoices). The only thing she had done physically that morning was walking around preparing her work area. While at her workstation, she felt a sudden onset of low back pain with symptoms of radiculopathy on the left side.

The defendants argue that the claimant's version of the injury is different than what is reported in the medical records. I disagree. Based upon the evidence in the record I do not find the reports to be truly inconsistent. To be sure, various medical reports clearly reflect that she told medical providers she had been walking. I believe Ms. Fisher probably reported to all of her medical providers, as well as Mrs. Frueh, that she had performed very little physical activity that morning, other than walking. As soon as the pain started, she attempted to "walk it off" unsuccessfully. In her recorded statement, however, taken in June 2011, she provided the exact same information as she testified to at her deposition and at hearing. (See Cl. Ex. 13, Fisher Depo., pp. 47-48) Based upon the record before me, it appears that Ms. Fisher had been walking immediately before and after the injury and this is what was recorded by the medical providers.

The next question is causal connection.

The claimant has the burden of proving by a preponderance of the evidence that the injury is a proximate cause of the disability on which the claim is based. A cause is proximate if it is a substantial factor in bringing about the result; it need not be the only cause. A preponderance of the evidence exists when the causal connection is probable rather than merely possible. George A. Hormel & Co. v. Jordan, 569 N.W.2d 148 (Iowa 1997); Frye v. Smith-Doyle Contractors, 569 N.W.2d 154 (Iowa App. 1997); Sanchez v. Blue Bird Midwest, 554 N.W.2d 283 (Iowa App. 1996).

The question of causal connection is essentially within the domain of expert testimony. The expert medical evidence must be considered with all other evidence introduced bearing on the causal connection between the injury and the disability. Supportive lay testimony may be used to buttress the expert testimony and, therefore, is also relevant and material to the causation question. The weight to be given to an expert opinion is determined by the finder of fact and may be affected by the accuracy of the facts the expert relied upon as well as other surrounding circumstances. The expert opinion may be accepted or rejected, in whole or in part. St. Luke's Hosp. v. Gray, 604 N.W.2d 646 (Iowa 2000); IBP, Inc. v. Harpole, 621 N.W.2d 410 (Iowa 2001); Dunlavey v. Economy Fire and Cas. Co., 526 N.W.2d 845 (Iowa 1995). Miller v.

Lauridsen Foods, Inc., 525 N.W.2d 417 (Iowa 1994). Unrebutted expert medical testimony cannot be summarily rejected. Poula v. Siouxland Wall & Ceiling, Inc., 516 N.W.2d 910 (Iowa App. 1994).

The expert opinions relating to medical causation are conflicted. Dr. Wojciehoski opined that Ms. Fisher has spinal arthritis and facet arthropathy as well as some degenerative disc disease. (Def. Ex. A, p. 3) He opined that her conditions were completely unrelated to the workplace. Dr. Epp essentially agreed with the diagnosis, although she also commented on the radiculopathy. She opined that the injury did cause disability.

> This opinion is supported by the fact that prior to this incident, although she had occasional back strains, she never had any symptoms down her legs. The radicular symptoms did not start until this injury on or about May 23, 2011. During the injury, she was bent over and had spent a significant amount of time in days just prior to the injury twisting, turning while driving a skid loader. Given the physical nature of her job and the activities that she was required to perform in her job, it is my opinion that her work played a significant role in the injury. In addition, she was going about the responsibilities of her job when this injury occurred.

(Cl. Ex. 5, p. 35)

When viewing the record as a whole, I find the opinion of Dr. Epp more compelling. She was clearly aware of the work claimant had been performing in the days leading up to the injury and correctly understood the onset of her pain. Dr. Wojciehoski never saw or even met the claimant.

The next issue is the extent of industrial disability.

Since claimant has an impairment to the body as a whole, an industrial disability has been sustained. Industrial disability was defined in Diederich v. Tri-City R. Co., 219 Iowa 587, 258 N.W. 899 (1935) as follows: "It is therefore plain that the legislature intended the term 'disability' to mean 'industrial disability' or loss of earning capacity and not a mere 'functional disability' to be computed in the terms of percentages of the total physical and mental ability of a normal man."

Functional impairment is an element to be considered in determining industrial disability which is the reduction of earning capacity, but consideration must also be given to the injured employee's age, education, qualifications, experience, motivation, loss of earnings, severity and situs of the injury, work restrictions, inability to engage in employment for which the employee is fitted and the employer's offer of work or failure to so offer. McSpadden v. Big Ben Coal Co., 288 N.W.2d 181 (Iowa 1980); Olson v. Goodyear Service Stores, 255 Iowa 1112, 125 N.W.2d 251 (1963); Barton v. Nevada Poultry Co., 253 Iowa 285, 110 N.W.2d 660 (1961).

Compensation for permanent partial disability shall begin at the termination of the healing period. Compensation shall be paid in relation to 500 weeks as the disability bears to the body as a whole. Section 85.34.

The claimant's precise disability is not easy to assess. When considering all of the factors of industrial disability, I find that the claimant has suffered a 30 percent loss of earning capacity as a result of her work injury. The claimant is hard-working, highly motivated and a desirable worker in the competitive workforce. She is high school educated. She has skills and excellent work experience in the fields of agriculture and tree farming in particular. At the time of hearing she was 55 years old. She has low back pain with a restriction of no lifting more than 25 pounds. Ms. Fisher was able to work with this restriction and she was productive while the employer remained open. She was able to work extensive hours following her restrictions. Unfortunately the business closed. Since the business closed up to the time of hearing, she had sought out nearly 300 jobs without success. Her disability undoubtedly interferes with her ability to secure employment. (See Cl. Ex. 18) While Ms. Fisher is a desirable worker because of her work ethic, the positions she is primarily qualified for include some manual labor and many require lifting more than 25 pounds.

The work injury produced severe symptoms initially which caused Ms. Fisher to be hospitalized for 5 days; however, she healed nicely and relatively quickly. She never became symptom free, however, as long as she follows her restrictions, she is not in severe chronic pain, she does not take pain medications or receive any ongoing medical treatment and she is generally able to function in life. Her active treatment healing period only lasted for a few weeks. Her permanent functional impairment is not severe. It was assessed as ten percent by Dr. Epp, which is possibly a little high. Her condition has continued to improve since the injury, particularly as long as she is following her restrictions.

When considering these factors and all of the factors of industrial disability, I find her loss of earning capacity is 30 percent.

Permanent partial disability benefits commence "at the termination of healing period . . . ." Iowa Code section 85.34(2) (2015). In this case, the parties stipulated healing period was not claimed, nor in dispute. In cases where healing period benefits are not paid, permanent partial disability benefits commence as of the date of injury.

The next issue is rate. The defendants suggest the appropriate rate should be calculated based upon the claimant being a "seasonal worker." The claimant did not brief the rate issue at all.

Section 85.36 states the basis of compensation is the weekly earnings of the employee at the time of the injury. The section defines weekly earnings as the gross salary, wages, or earnings to which an employee would have been entitled had the employee worked the customary hours for the full pay period in which the employee

was injured as the employer regularly required for the work or employment. The various subsections of section 85.36 set forth methods of computing weekly earnings depending upon the type of earnings and employment.

If the employee is paid on a daily or hourly basis or by output, weekly earnings are computed by dividing by 13 the earnings over the 13-week period immediately preceding the injury. Any week that does not fairly reflect the employee's customary earnings is excluded, however. Section 85.36(6).

The defendants have provided no authority for their rate calculation. I adopt the claimant's rate calculation as the most accurate reflection of claimant's gross earnings at the time of injury. (See Cl. Ex. 20)

The next issue is medical expenses outlined in Claimant's Exhibits 14 and 15.

The employer shall furnish reasonable surgical, medical, dental, osteopathic, chiropractic, podiatric, physical rehabilitation, nursing, ambulance, and hospital services and supplies for all conditions compensable under the workers' compensation law. The employer shall also allow reasonable and necessary transportation expenses incurred for those services. The employer has the right to choose the provider of care, except where the employer has denied liability for the injury. Section 85.27. Holbert v. Townsend Engineering Co., Thirty-second Biennial Report of the Industrial Commissioner 78 (Review-Reopening October 16, 1975).

Claimant is entitled to an order of reimbursement only if he has paid treatment costs; otherwise, to an order directing the responsible defendants to make payments directly to the provider. See, Krohn v. State, 420 N.W.2d 463 (Iowa 1988). Defendants should also pay any lawful late payment fees imposed by providers. Laughlin v. IBP, Inc., File No. 1020226 (App., February 27, 1995).

The claimant is entitled to payment of the medical expenses from the date of her injury through June 24, 2011, as outlined in Claimant's Exhibits 14 and 15. The claimant testified that she has not received any treatment for this work injury since then. If the bills are unpaid, the defendants should make payment directly to the provider. For amounts paid by the claimant, reimbursement should be made directly to the claimant. The claimant has not met her burden of proof with regard to the medical expenses incurred after June 24, 2011, listed in Claimant's Exhibits 14 and 15.

The claimant also seeks payment for her independent medical evaluation (IME) with Dr. Epp.

Section 85.39 permits an employee to be reimbursed for subsequent examination by a physician of the employee's choice where an employer-retained physician has previously evaluated "permanent disability" and the employee believes that the initial evaluation is too low. The section also permits reimbursement for

reasonably necessary transportation expenses incurred and for any wage loss occasioned by the employee attending the subsequent examination.

Defendants are responsible only for reasonable fees associated with claimant's independent medical examination. Claimant has the burden of proving the reasonableness of the expenses incurred for the examination. See Schintgen v. Economy Fire & Casualty Co., File No. 855298 (App. April 26, 1991). Claimant need not ultimately prove the injury arose out of and in the course of employment to qualify for reimbursement under section 85.39. See Dodd v. Fleetguard, Inc., 759 N.W.2d 133, 140 (Iowa App. 2008).

I find that once Dr. Wojciehoski determined the claimant had no disability related to any work injury, the claimant was entitled to a second opinion evaluation under section 85.39. Based upon the record before me, the IME costs were fair and reasonable. Defendants owe for the IME.

The final issue is taxation of costs. "All costs incurred in the hearing before the commissioner shall be taxed in the discretion of the commissioner." Iowa Code section 86.40 (2013); see also, rule 876 IAC section 4.33.

The claimant spent $962.25 securing medical records. This amount seems large, particularly since the claimant only received treatment from May 23, 2011, through June 24, 2011. Nevertheless, the claim was denied and the claimant needed the records to pursue her claim. Defendants argue since medical record copying costs are not specifically allowed in rule 4.33, they must be disallowed. I disagree and find these costs reasonable under the circumstances. I also award the filing fee. I reject the fees of Kent Jayne. His report was rejected. It added little value to the disputes in this case. Therefore, I award claimant costs in the amount of $1,062.25.

ORDER

THEREFORE IT IS ORDERED

Defendants shall pay the claimant one hundred fifty (150) weeks of permanent partial disability benefits at the rate of three hundred forty-five and 36/100 ($345.36) per week commencing May 23, 2011.

Defendants shall pay accrued weekly benefits in a lump sum.

Defendants shall pay interest on unpaid weekly benefits awarded herein as set forth in Iowa Code section 85.30.

Defendants shall pay the medical expenses incurred between May 23, 2011, and June 24, 2011, including mileage, as outlined in Claimant's Exhibits 14 and 15.

Defendants shall pay the IME expense of Dr. Epp (n/k/a Dr. Sassman).

Defendants shall pay costs in the amount of one thousand sixty-two and 25/100 dollars ($1,062.25).

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

Signed and filed this 3rd day of June, 2016.

JOSEPH L. WALSH
DEPUTY WORKERS'
COMPENSATION COMMISSIONER

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Right to Appeal: This decision shall become final unless you or another interested party appeals within 20 days from the date above, pursuant to rule 876 4.27 (17A, 86) of the Iowa Administrative Code. The notice of appeal must be in writing and received by the commissioner's office within 20 days from the date of the decision. The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday. The notice of appeal must be filed at the following address: Workers' Compensation Commissioner, Iowa Division of Workers' Compensation, 1000 E. Grand Avenue, Des Moines, Iowa 50319-0209.