

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

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MICHAEL SIGLIN,

Claimant,

vs.

UNITED AIRLINES, INC.,

Employer,

NEW HAMPSHIRE INSURANCE  
COMPANY,

Insurance Carrier,  
Defendants.

File Nos. 5053170, 5053171

APPEAL  
DECISION

FILED

MAR 19 2018

WORKERS' COMPENSATION

Head Note No: 1402.30

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Claimant Michael Siglin appeals from an arbitration decision filed on October 31, 2016. Defendants United Airlines, Inc. employer, and its insurer, New Hampshire Insurance Company, respond to the appeal. The case was heard on July 14, 2016, and it was considered fully submitted in front of the deputy workers' compensation commissioner on July 29, 2016.

The deputy commissioner found claimant failed to carry his burden of proof that he sustained injuries which arose out of and in the course of his employment with defendant-employer on either September 30, 2014, or on April 18, 2015, which resulted in hearing loss and tinnitus. Because the deputy commissioner found claimant failed to carry his burden of proof on the issues of causation and compensability regarding claimant's alleged injuries, the deputy commissioner found claimant failed to prove entitlement to permanent disability benefits. Because the deputy commissioner found claimant failed to carry his burden of proof on the issues of causation and compensability, the deputy commissioner found defendants' Iowa Code section 85.23 90-day notice defense is moot. The deputy commissioner 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 work-related injuries on either September 30, 2014, or on April 18, 2015, as alleged. Claimant asserts the deputy commissioner erred in finding claimant failed to prove entitlement to permanent disability benefits.

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 October 31, 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 work-related injuries on either September 30, 2014, or on April 18, 2015, as alleged. I affirm the deputy commissioner's finding that claimant failed to prove entitlement to permanent disability benefits. I affirm the deputy commissioner's finding that defendants' Iowa Code section 85.23 90-day notice defense is moot. 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 October 31, 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 19<sup>th</sup> day of March, 2018.



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JOSEPH S. CORTESE II  
WORKERS' COMPENSATION  
COMMISSIONER

Copies to:

Nicholas W. Platt  
Platt Law Firm, P.C.  
2900 100<sup>th</sup> Street, Suite 304  
Urbandale, IA 50322  
[plattlawpc@outlook.com](mailto:plattlawpc@outlook.com)

Cory D. Abbas F  
Attorney at Law  
505 5<sup>th</sup> Ave., Ste. 729  
Des Moines, IA 50309  
[cabbas@pattersonfirm.com](mailto:cabbas@pattersonfirm.com)