

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

CATRICE PINKS,

Claimant,

vs.

IOWA HOME CARE, LLC,

Employer,

and

EXPLORER INS. CO.,

Insurance Carrier,
Defendants.

File No. 20700568.01

A P P E A L

D E C I S I O N

Head Notes: 1402.40; 1803; 2501; 2907;
5-9998

Claimant Catrice Pinks appeals from an arbitration decision filed on January 24, 2022. Defendants Iowa Home Care, LLC, employer, and its insurer, Explorer Ins. Co., respond to the appeal. The case was heard on August 31, 2021, and it was considered fully submitted in front of the deputy workers' compensation commissioner on October 1, 2021.

In the arbitration decision, the deputy commissioner found claimant failed to carry her burden of proof to establish she sustained any permanent disability as a result of the stipulated work injury which occurred on August 12, 2019. The deputy commissioner found claimant failed to prove she is entitled to receive any permanent disability benefits for the injury. The deputy commissioner found claimant reached maximum medical improvement (MMI) on October 11, 2019. The deputy commissioner ordered defendants to authorize and pay for further casually related medical care for claimant with Todd Harbach, M.D., pursuant to the consent order agreed upon by the parties at the commencement of the arbitration hearing. 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 prove she sustained any permanent disability as a result of the work injury. Claimant asserts the deputy commissioner erred in finding claimant failed to prove she is entitled to receive any permanent disability benefits for the injury. Claimant asserts the deputy commissioner erred in finding defendants are not responsible for claimant's costs of the arbitration proceeding.

Defendants assert 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 24, 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 failed to prove she sustained any permanent disability as a result of the work injury. I affirm the deputy commissioner's finding that claimant failed to prove she is entitled to receive any permanent disability benefits for the injury. I affirm the deputy commissioner's finding that claimant reached MMI on October 11, 2019. I affirm the deputy commissioner's order that defendants shall authorize and pay for further casually related medical care for claimant with Dr. Harbach pursuant to the consent order agreed upon by the parties. 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 the above-stated issues.

ORDER

IT IS THEREFORE ORDERED that the arbitration decision filed on January 24, 2021, is affirmed in its entirety.

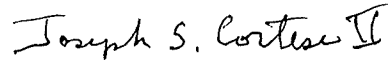
Claimant shall take no weekly benefits from these proceedings.

Defendants shall authorize and pay for further causally related medical care with Dr. Harbach pursuant to the consent order agreed upon by the parties at the arbitration hearing.

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.

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 25th day of May, 2022.



JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

The parties have been served as follows:

Richard Schmidt (via WCES)

Lindsey Mills (via WCES)