

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

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DAVID GRABILL,

Claimant,

vs.

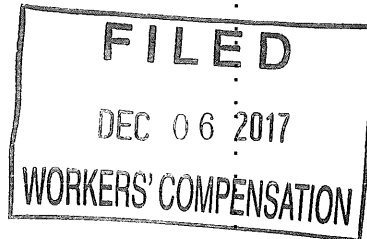
APET, INC.,

Employer,

and

TECHNOLOGY INSURANCE  
COMPANY, INC.,

Insurance Carrier,  
Defendants.



File No. 5060318

ALTERNATE MEDICAL  
CARE DECISION

Head Note No.: 2701

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On November 22, 2017, claimant filed a petition for alternate medical care. The petition stated that the claimant was dissatisfied with the care provided the relief sought was "failure to authorize medical care." No answer was on file. On November 30, 2017, claimant filed a Statement RE: Service of Alternate Medical Care Petition. The initial service at 705 Phillips Street, Polk City, Iowa, 50226, was deemed to be incorrect. New service was made at 195 Prairie Lake Road, Carpentersville, Illinois 60110.

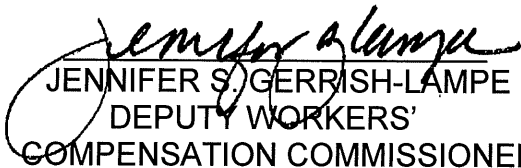
The matter came before hearing on December 6, 2017, at 10:30 a.m. At the time of the hearing, defendant employer had not responded. Counsel for the claimant admitted that there had been contact with the insurer, Technology Insurance Company, Inc., but that the alternate care petition had not been sent to the insurer. 876 Iowa Administrative Rule 4.48(5) requires service only on the employer which was properly done in this case.

The employer was found in default and the matter proceeded to hearing. At the start of the hearing, claimant's counsel was asked whether the claimant would be appearing personally. Counsel for the claimant answered in the negative. The claimant provided no evidence, neither by testimony or by documentary proof. When the undersigned pointed out that there was no proof of the triggering elements of Iowa Code Section 85.27 which requires both a showing of dissatisfaction of the care provided along with communication of that dissatisfaction to the employer, counsel for the claimant offered to call the claimant.

The undersigned declined. Claimant received appropriate notice of the hearing yet was not prepared, even in this matter of default. Parties should be prepared to present their cases at the time of the hearing. Claimant's petition for alternate care is denied for failure to meet his burden of proof.

THEREFORE IT IS ORDERED, claimant's petition for alternate care is denied.

Signed and filed this 16<sup>th</sup> day of December, 2017.

  
JENNIFER S. GERRISH-LAMPE  
DEPUTY WORKERS'  
COMPENSATION COMMISSIONER

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JGL/kjw