

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

RENE HARDY,

Claimant,

VS.

PR WAUKEE LLC d/b/a PIZZA RANCH,

Employer,

and

LIBERTY MUTUAL INSURANCE,

Insurance Carrier,
Defendants.

File No. 21003211.01

ARBITRATION DECISION

Head Note No.: 1100

STATEMENT OF THE CASE

The claimant, Rene Hardy, filed a petition for arbitration and seeks workers' compensation benefits from PR Waukee LLC, d/b/a Pizza Ranch, employer, and Liberty Mutual, insurance carrier. The claimant was represented by James Hoffman. The defendants were represented by James Nubel.

The matter came on for hearing on September 6, 2022, before Deputy Workers' Compensation Commissioner Joe Walsh in Des Moines, Iowa via Zoom videoconferencing system. The matter was recorded through the agency's computer software. The claimant did not appear for the hearing. The week prior to the hearing, claimant's counsel indicated via email that claimant had "disappeared." The parties did not submit a prehearing report, nor any exhibits. On the record, claimant's counsel indicated that his only evidence of a work injury was the claimant's testimony, who was unavailable.

ISSUES

The parties submitted the following issues for determination:

1. Whether this matter should be dismissed.

FINDINGS OF FACT

The claimant has presented no evidence of any work injury or entitlement to any benefits under Chapter 85.

CONCLUSIONS OF LAW

The claimant bears the burden of proving a work injury. Claimant has failed to meet his burden of proof.

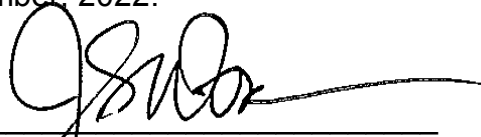
ORDER

THEREFORE IT IS ORDERED

The claimant shall take nothing.

Each party shall pay their own costs.

Signed and filed this 30th day of September, 2022.



JOSEPH L. WALSH
DEPUTY WORKERS'
COMPENSATION COMMISSIONER

The parties have been served, as follows:

James Hoffman (via WCES)

James Nubel (via WCES)

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 filed via Workers' Compensation Electronic System (WCES) unless the filing party has been granted permission by the Division of Workers' Compensation to file documents in paper form. If such permission has been granted, the notice of appeal must be filed at the following address: Workers' Compensation Commissioner, Iowa Division of Workers' Compensation, 150 Des Moines Street, Des Moines, Iowa 50309-1836. The notice of appeal must be received by the Division of Workers' Compensation 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 legal holiday.