

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

KODY WOHLERS,

Claimant,

vs.

POTTAWATTAMIE COUNTY, IOWA,

Employer,

and

IMWCA,

Insurance Carrier,
Defendants.

File Nos. 20701202.01 and 20701189.01

A P P E A L

D E C I S I O N

Head Notes: 1108.40; 1402.20; 1402.40;
1803; 2203; 2502; 2907;
5-9998

Claimant Kody Wohlers appeals from an arbitration decision filed on January 26, 2023. The arbitration decision involved two files, File No. 20701189.01 and File No. 20701202.01. Claimant did not appeal the deputy workers' compensation commissioner's findings of fact and conclusions of law in File No. 20701189.01. This appeal only concerns File No. 20701202.01. Defendants Pottawattamie County, employer, and its insurer, IMWCA, respond to the appeal. The case was heard on August 2, 2022, and it was considered fully submitted in front of the deputy workers' compensation commissioner on September 19, 2022.

In the arbitration decision, the deputy commissioner found claimant failed to meet his burden of proof to establish he sustained an injury or occupational disease that arose out of and in the course of his employment on or about July 13, 2020, and the deputy commissioner found claimant failed to prove the alleged harmful conditions were more prevalent in the workplace than in everyday life. The deputy commissioner found because claimant failed to prove causation and compensability, the remaining issues involving the July 13, 2020, claim are moot.

Claimant asserts on appeal that the deputy commissioner erred in finding claimant failed to prove he contracted an occupational disease arising out of and in the course of his employment with defendant-employer. Claimant asserts the deputy commissioner erred in failing to award claimant industrial disability benefits, in failing to find defendants should reimburse claimant for the requested past medical bills, in failing to find claimant is entitled to payment by defendants for future medical care causally

connected to claimant's West Nile Virus infection, and in failing to find defendants should reimburse claimant \$1,779.50 for one-half of the cost of the independent medical examination (IME) of claimant performed by Sunil Bansal, M.D.

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 part of this appeal decision.

I 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.15 and 86.24, I affirm and adopt as the final agency decision those portions of the proposed arbitration decision filed on January 26, 2023, 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 he sustained an injury or occupational disease that arose out of and in the course of his employment on July 13, 2020. I affirm the deputy commissioner's finding that claimant failed to prove the alleged harmful conditions were more prevalent in the workplace than in everyday life. I affirm the deputy commissioner's finding that because claimant failed to prove causation and compensability, the remaining issues involving the July 13, 2020, claim are moot.

I affirm the deputy commissioner's findings, conclusions, and analysis regarding the above-stated issues.

ORDER

IT IS THEREFORE ORDERED that the arbitration decision for File No. 20701202.01, filed on January 26, 2023, 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.

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 11th day of July, 2023.

Handwritten signature of Joseph S. Cortese II in cursive script.

JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

The parties have been served as follows:

Jacob Peters (via WCES)

Ryan Clark (via WCES)