

## BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

CHARLES COLLINS,

Claimant,

vs.

DES MOINES AREA REGIONAL  
TRANSIT AUTHORITY,

Employer,

and

WEST BEND MUTUAL INSURANCE  
COMPANY,Insurance Carrier,  
Defendants.

File No. 21700275.01

A P P E A L

D E C I S I O N

: Head Notes: 1402.20; 1402.40; 1803; 2501;  
: 2907; 5-9998

Claimant Charles Collins appeals from an arbitration decision filed on October 24, 2022. Defendants Des Moines Area Regional Transit Authority, employer, and its insurer, West Bend Mutual Insurance Company, respond to the appeal. The case was heard on May 16, 2022, and it was considered fully submitted in front of the deputy workers' compensation commissioner on June 13, 2022.

In the arbitration decision, the deputy commissioner found claimant failed to meet his burden of proof to establish his Covid-19 infection arose out of and in the course of his employment with defendant-employer. Because the deputy commissioner found against claimant on the issues of causation and compensability, the deputy commissioner found the other issues raised in this matter are moot. The deputy commissioner ordered the parties to pay their own costs of the arbitration proceeding.

On appeal, claimant asserts the deputy commissioner erred in finding claimant failed to prove his Covid-19 infection arose out of and in the course of his employment with defendant-employer. Claimant asserts he is entitled to receive healing period benefits and permanent partial disability benefits, and claimant asserts defendants should be responsible for his medical expenses and his hearing costs.

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 October 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 his Covid-19 infection arose out of and in the course of his employment with defendant-employer. I affirm the deputy commissioner's finding that the other issues raised in this matter are moot. I affirm the deputy commissioner's finding that the parties should pay their own costs of the arbitration proceeding.

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

#### ORDER

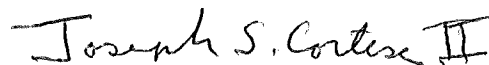
IT IS THEREFORE ORDERED that the arbitration decision filed on October 24, 2022, is affirmed in its entirety.

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 9<sup>th</sup> day of January, 2023.



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JOSEPH S. CORTESE II  
WORKERS' COMPENSATION  
COMMISSIONER

The parties have been served as follows:

Richard R. Schmidt (via WCES)

Charles A. Blades (via WCES)