

Those portions of the proposed agency 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 September 20, 2018, which relate to the issues properly raised on intra-agency appeal.

I find the deputy commissioner provided a well-reasoned analysis of all of 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 permanent disability resulting from the November 11, 2015, work injury extends beyond his right foot into his body as a whole. I affirm the deputy commissioner's finding that claimant sustained scheduled member functional disability of 64 percent of the right foot as a result of the work injury. I affirm the deputy commissioner's finding that defendants underpaid all weekly benefits paid prior to the arbitration hearing by 52 cents per week and I affirm the deputy commissioner order that defendants correct the underpayment. I affirm the deputy commissioner's order that defendants pay claimant's costs of the arbitration proceeding in the amount of \$113.42.

I affirm the deputy commissioner's findings, conclusions, and analysis regarding those issues.

ORDER

IT IS THEREFORE ORDERED that the arbitration decision filed on September 20, 2018, is affirmed in its entirety.

Defendants shall pay claimant ninety-six (96) weeks of permanent partial disability benefits at the stipulated weekly rate of four hundred twenty-two and 73/100 dollars (\$422.73) commencing on the stipulated commencement date of January 9, 2017, until all benefits are paid in full.

Defendants shall correct their underpayment of the weekly benefit rate for all benefits paid to date.

Pursuant to the parties' stipulation, defendants shall receive credit for all weekly benefits paid prior to the arbitration hearing. The parties stipulated defendants are entitled to a credit of eighty-three (83) weeks paid at the weekly rate of four hundred twenty-two and 21/100 dollars (\$422.21).

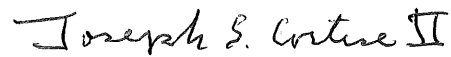
Defendants shall pay all accrued and unpaid weekly benefits, including but not limited to the underpayment of the weekly rate, in a lump sum together with interest at

the rate of ten percent for all weekly benefits payable and not paid when due which accrued before July 1, 2017, and all interest on past due weekly compensation benefits accruing on or after July 1, 2017, shall be payable at an annual rate equal to the one-year treasury constant maturity published by the federal reserve in the most recent H15 report settled as of the date of injury, plus two percent. See Gamble v. AG Leader Technology, File No. 5054686 (App. Apr. 24, 2018).

Pursuant to rule 876 IAC 4.33, defendants shall pay claimant's costs of the arbitration proceeding in the amount one hundred thirteen and 42/100 dollars (\$113.42), 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 9th day of January, 2020.



JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

The parties have been served as follows:

James C. Byrne Via WCES

Jessica R. Voelker Via WCES