BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

MICHAEL MCELWEE, Claimant, vs. MIDAMERICAN ENERGY COMPANY, Employer, Self-Insured, Defendant.	:	File No. 21701218.01 ARBITRATION DECISION Headnotes: 1108; 2401; 2402; 2501

STATEMENT OF THE CASE

Claimant Michael McElwee filed a petition in arbitration seeking worker's compensation benefits against MidAmerican Energy Company, self-insured employer, for an alleged work injury date of April 26, 2021. The case came before the undersigned for an arbitration hearing on January 18, 2023. Pursuant to an order of the Iowa Workers' Compensation Commissioner, this case proceeded to a live video hearing via Zoom, with all parties and the court reporter appearing remotely. The hearing proceeded without significant difficulties.

The parties filed a hearing report prior to the commencement of the hearing. On the hearing report, the parties entered into numerous stipulations. Those stipulations were accepted and no factual or legal issues relative to the parties' stipulations will be made or discussed. The parties are now bound by their stipulations.

The evidentiary record includes Joint Exhibits A through C, and Defendants' Exhibits A through I.

Claimant testified on his own behalf. Trevin Greif, Rhonda Straight, and Nick Woofter testified on behalf of the employer. The evidentiary record closed at the conclusion of the evidentiary hearing on January 18, 2023. The parties submitted post-hearing briefs on February 17, 2023, and the case was considered fully submitted on that date.

ISSUES

1. Whether claimant has sustained an injury arising out of and in the course of his employment on April 26, 2021;

2. If so, whether claimant provided timely notice of the claim under Iowa Code section 85.23;

3. Whether the claim was timely filed under Iowa Code section 85.26;

4. Payment of certain medical expenses and additional medical care; and

5. Taxation of costs.

FINDINGS OF FACT

The undersigned, having considered all of the evidence and testimony in the record, finds:

Claimant's testimony was consistent as compared to the evidentiary record, and his demeanor at the time of hearing gave the undersigned no reason to doubt his veracity. Claimant is found credible.

At the time of hearing, claimant was a 58-year-old person. (Hearing Transcript, p. 7) Claimant has worked for MidAmerican Energy for approximately 36 or 37 years. In 2006, claimant sustained a work-related injury to his left shoulder. He eventually had surgery for that injury, and subsequently returned to his regular job duties at MidAmerican. (Tr., p. 8) After that, he continued to work for MidAmerican with no restrictions. (Tr., pp. 8-9) Claimant testified that prior to 2021, he had not seen a doctor for his left shoulder in about 15 years. (Tr., p. 9)

In approximately 2018 or 2019, claimant transferred to the service department. (Tr., p. 9) In that department, one of claimant's job duties involves changing out gas meters. (Tr., pp. 9-10) Claimant testified that the work can involve gas meters sitting on the ground, or those overhead in a stack on a larger building. (Tr., p. 10) He testified that there are often rusted fittings, which require a lot of strength and the use of tools to remove. Another of claimant's job duties is responding to emergency leak calls, in which he has to determine whether gas is leaking underground. (Tr., p. 11) In those cases, he uses a tool called a "pogo," which claimant described as a steel rod with a heavy slide weight that is driven up and down to punch through hard ground to take underground readings.

Prior to his transfer to the service department, claimant worked in the gas construction side of MidAmerican. (Tr., p. 11) He testified he was a crew leader and certified pipeline welder at that time. (Tr., pp. 11-12) While he still performed physical work in his prior position, he said that the work in the service department is more frequent, as he has to change out gas meters every week according to customer availability. (Tr., p. 12)

Claimant testified that after his transfer to the service department, he noticed his left shoulder started to "go downhill." (Tr., p. 9) He noticed after doing the routine meter

work he was experiencing a new type of pain in his shoulder, that went down through his biceps, and into his forearm and hand. (Tr., p. 12) He said he had not experienced this type of pain before. He did not go to the doctor immediately when he started to notice these issues, as he has always had some stiffness in his shoulder. (Tr., p. 13) However, it got to the point where he was experiencing a "searing, hard, nervy pain." He was also having trouble sleeping and could not relax his arm. At that point, he decided to seek medical care.

Claimant saw Jerry Lehr, D.O., on April 26, 2021. (Joint Exhibit B, p. 67) Dr. Lehr has been claimant's primary care physician for over 30 years. (Tr., p. 16) Dr. Lehr's record indicates claimant reported "years and years of shoulder pain," with "marked deterioration" over the past six months. (Jt. Ex. B, p. 67) He reported the pain was worse at night when trying to sleep and said there was no specific injury but "a lot of overuse over his years." On physical examination, Dr. Lehr noted pain with deltoid and marked pain with supraspinatus testing, and positive impingement. (Jt. Ex. B, p. 69) He also noted some tenderness over the AC joint. Dr. Lehr recommended an orthopedic referral for his left shoulder.

Claimant saw William Jacobson, M.D., on May 12, 2021. (Jt. Ex. C, p. 73) Dr. Jacobson previously performed surgery on claimant's left shoulder related to the 2006 injury. (Jt. Ex. C, p. 72) Office notes indicate claimant reported left shoulder pain that started "a few years ago" with no known injury. (Jt. Ex. C, p. 74) He reported loss of motion, strength, tingling, and trouble sleeping due to pain. Dr. Jacobson noted weakness on exam that was concerning for a rotator cuff tear. (Jt. Ex. C, p. 75) He recommended an MRI due to the degree of pain and weakness, and "the amount of time the patient has been dealing with these symptoms without improvement."

The MRI took place on May 25, 2021. (Jt. Ex. C, p. 76) Claimant returned to Dr. Jacobson the next day, May 26, 2021. (Jt. Ex. C, p. 77) Dr. Jacobson noted the MRI showed a suspected small full-thickness tear of the supraspinatus; a biceps rupture; tendinosis of the infraspinatus; and moderate AC joint degenerative joint disease. (Jt. Ex. C, p. 79) He also had concern regarding claimant's subscapularis. Dr. Jacobson discussed conservative treatment versus surgery, and claimant wanted to try an injection in conjunction with physical therapy first. (Jt. Ex. C, p. 80) As such, he was given an injection and a note for physical therapy, and told to follow up in six weeks.

Claimant testified that immediately after this appointment with Dr. Jacobson, he called his supervisor, Trevin Greif, to report "what was going on, that it was determined I had injured my shoulder." (Tr., pp. 39-40) He said a short time later Mr. Greif called him back and told him to see the company nurse. (Tr., p. 40) He could not recall whether he told Mr. Greif at that time that he had a new injury to the shoulder.

On June 2, 2021, claimant saw Rhonda Straight, RN, Senior Occupational Health Coordinator at MidAmerican. (Jt. Ex. A, pp. 1-5) Claimant testified that when he saw Nurse Straight, she pulled up his old records from his prior shoulder injury and discussed the prior settlement. (Tr., p. 62) He testified that he told her that he was

having new pains in his arm, which is why he went to see the doctor, but her response was that it seemed to be flaring up his old injury. In response, he said he told her that it felt "totally different," and it was not something he was used to with his shoulder; it was "something new." He testified that he never would have told Rhonda that he thought his condition was related back to his 2006 injury, and that she was the one who thought it was a flare up of his old injury. (Tr., pp. 63-64) This is consistent with claimant's deposition testimony. (Defendant's Exhibit D, p. 27c; Deposition Transcript, p. 27)

Nurse Straight's notes indicate the date of injury is October 5, 2006. (Jt. Ex. A, p. 3) Her narrative states that claimant reported surgery on the left shoulder in 2006, and about a month prior he noticed pain that prompted him to see his primary care provider. (Jt. Ex. A, p. 5) He was then referred to Dr. Jacobson, who ordered an MRI and identified issues that will need surgery. Her note further states that claimant reported he has "always been careful" with the left upper extremity since the surgery, and he could not identify any specific event or reason for the increase in discomfort. He specifically denied a traumatic-type injury, and stated the most strenuous work he did was "changing gas meters."

Nurse Straight also testified at hearing. At the time of hearing, she was employed as the program manager for occupational health at MidAmerican. (Tr., p. 82) She testified that she did not recall claimant telling her that his shoulder condition was not a continuation of the 2006 injury and that it was something new. (Tr., p. 84) She further testified that the date of injury is not her decision to make, but something the employee tells her. (Tr., p. 86) She said that when an employee reports a new injury, they are sent back to their supervisor or operations management to complete a new personal injury report, which did not happen in claimant's case. In claimant's case, Nurse Straight testified that he told her his shoulder had always been sore since the original injury, and that his symptoms were a continuation. (Tr., pp. 86-87) She reiterated that claimant is the one who related his symptoms back to his original injury in 2006, and she did not bring it up first. (Tr., p. 92)

In any event, claimant returned to see Dr. Jacobson on June 29, 2021. (Jt. Ex. C, p. 82) He reported that the prior injection had provided about 90 percent pain relief for a month, but the pain had started to return. He had not been in any physical therapy to date. Dr. Jacobson's note indicates claimant described "a new injury that happened in May." (Jt. Ex. C, p. 84) After additional discussion regarding claimant's symptoms, he elected to proceed with surgery after workers' compensation approval.

On July 23, 2021, Dr. Jacobson authored a letter to Nichole McCain, Claim Consultant with defendant employer's claim management company. (Jt. Ex. C, p. 87) The letter indicates Dr. Jacobson was asked to answer some questions after a review of his records. [1] In response to the first question, Dr. Jacobson indicated his diagnoses for claimant's left shoulder were rotator cuff tear, proximal biceps rupture, and AC joint arthritis. In response to the second question, Dr. Jacobson indicated that claimant had

[1] The letter from Ms. McCain to Dr. Jacobson is not in evidence.

failed nonoperative treatment, and he was recommending arthroscopy with rotator cuff repair, subacromial decompression, distal clavicle excision, and likely glenohumeral joint debridement.

With respect to the third question, Dr. Jacobson stated that he was not able to state with any certainty "that the injury sustained in October 2006 was a significant contributing factor for his current diagnoses and need for ongoing treatment." (Jt. Ex. C, pp. 87-88) He explained that the labrum he repaired in 2006 would not be related to any of the current diagnoses he was then treating. (Jt. Ex. C, p. 88) He noted that claimant reported having shoulder pain for "some time," but that he did not report a new injury. As such, it was Dr. Jacobson's opinion that claimant left shoulder diagnoses and need for treatment were not likely related to the October 5, 2006 injury.

Based on Dr. Jacobson's letter, Ms. McCain sent a letter to claimant dated July 28, 2021, in which she explained that his workers' compensation claim "for left shoulder treatment following an injury that occurred on or about 10/5/2006" was being denied. (Def. Ex. F, p. 32) The letter also states that claimant could submit any information or documents disputing or contradicting the decision, which would be reviewed.

At hearing, claimant was asked why, after receipt of that letter, he did not submit additional information asking MidAmerican to reconsider their position based on a new injury occurring in 2021. (Tr., p. 43) Claimant testified that he thought he had, though his retention of legal counsel. However, MidAmerican argues that they were not provided with any notice that claimant was alleging the shoulder injury occurred on April 26, 2021, until receiving the petition on November 18, 2021. (Def. Ex. C, pp. 20-21)

Claimant did retain legal counsel in August of 2021. (Tr., pp. 43-44) On August 13, 2021, claimant's attorney wrote to Dr. Jacobson seeking his confirmation regarding his opinions as they discussed in person that same day. (Jt. Ex. C, p. 89) Claimant's attorney asked, for purposes of the letter, that Dr. Jacobson assume the following facts were true:

- Prior to claimant's first appointment with Dr. Lehr he had been changing out gas meters for several weeks;
- Changing out gas meters entails "removing a lot of rusted bolts and pushing and pulling on them with full strength before they break loose;" and
- After a week or two of said activity, claimant started to notice new sharp pain in his shoulder and down his forearm, wrist, and hand.

(Jt. Ex. C, p. 89) Assuming those facts were accurate, Dr. Jacobson signed the letter, indicating he agreed that those activities caused the need for his care and treatment of claimant, and have led to the necessity for the recommended surgical repair.

On October 21, 2021, claimant's attorney wrote a similar letter to Dr. Lehr. (Jt. Ex. B, p. 70) The letter to Dr. Lehr notes that claimant complained of shoulder pain for

roughly 6 months prior to his appointment on April 26, 2021, and indicated his pain and limitation increased while doing work related activities. The letter then asked Dr. Lehr to make the same factual assumptions listed above. Assuming those facts were accurate, Dr. Lehr agreed it was his opinion that claimant's repetitive activities at work over the six months, and more specifically the two weeks prior to April 26, 2021, led to a material aggravation, lighting up, or acceleration of claimant's preexisting degenerative condition of the shoulder, which in turn led to the referral to Dr. Jacobson.

As noted above, claimant's petition was filed on November 18, 2021. Defendants did not file an answer until April 6, 2022. On April 12, 2022, claimant's counsel formally served the letters signed by Dr. Jacobson and Dr. Lehr noted above. (Def. Ex. D, p. 24a) There is nothing in the record from which to determine whether those letters were sent to anyone at MidAmerican or its claim representative prior to that date.

On August 25, 2022, defense counsel wrote to Dr. Jacobson seeking confirmation of his opinions following their conversation about claimant's condition. (Jt. Ex. C, p. 91) The letter reviewed the facts Dr. Jacobson was previously asked to assume by claimant's counsel, and contrasted those with the facts recorded by Dr. Jacobson in his notes from May 12, 2021 and May 26, 2021. Dr. Jacobson agreed that claimant did not initially report a "new, sharp onset of pain" associated with his work activities. (Jt. Ex. C, p. 92) Rather, Dr. Jacobson agreed it was not until June 29, 2021, that claimant reported a new injury occurring in 2021. Dr. Jacobson also agreed that if the symptoms were as described in his first two visits, he would not consider claimant's shoulder condition related to his work at MidAmerican.

Dr. Jacobson's opinion as expressed in the August 25, 2022 letter does not provide any alternate explanation for what could have caused claimant's left shoulder condition, nor does it provide any explanation or analysis as to why claimant's work at MidAmerican would not be the cause. Dr. Jacobson previously opined that the work changing gas meters, including removing rusted bolts, would cause the need for his care and treatment of claimant's left shoulder. The facts support that claimant felt a new, different pain in his shoulder in 2021, which continued to worsen until such time as he sought medical treatment. As such, I do not find the August 25, 2022 opinion letter convincing.

Trevin Greif testified on behalf of the defendant. Nothing about his demeanor or testimony gave the undersigned any reason to doubt his veracity. He is found credible. Mr. Greif testified that he began working for MidAmerican in the summer of 2015, and his position at the time of hearing was gas supervisor of service operation. (Tr., p. 69) Mr. Greif was claimant's supervisor in 2021. (Tr., p. 70) Mr. Greif testified that in 2021, claimant worked in a rural area, and handled residential gas meters, which is single-person work. (Tr., p. 72) He further testified that if employees run into an issue in the field where something is stuck, and they need assistance, they offer additional resources. (Tr., p. 78) However, on larger jobs they assign a two-person team to change the meters. He noted that claimant usually worked alone, but there are tools

and accessories to help if they come across rusty or difficult bolts while changing meters. (Tr., p. 79)

Nick Woofter also testified on behalf of the defendant. Nothing about his demeanor or testimony gave the undersigned any reason to doubt his veracity. He is found credible. Mr. Woofter testified that he has been working for MidAmerican since 2014, and at the time of hearing he was the director of central gas operations. (Tr., p. 95) Mr. Woofter testified that the description of changing meters that was provided to Dr. Lehr and Dr. Jacobson by claimant's attorney was not accurate for the vast majority of meter changes. Rather, he said the majority of changes are a simple task, which involves unthreading an existing meter and rethreading a new meter. (Tr., pp. 96-97) He further testified that if an employee encounters a "stubborn" meter, they have tools, including a number of different wrenches, to assist. (Tr., p. 97) Finally, because Des Moines has a large service department, if an employee feels they need another person to assist in removing a stubborn meter, they can call and another employee will be sent to assist. (Tr., pp. 97-98)

I find it is more likely than not that claimant's work at MidAmerican caused the injuries to his shoulder, which manifested on or around April 26, 2021. While claimant had a separate shoulder injury in 2006, that injury had resolved, and left claimant with a baseline of stiffness that was not the same as what he began to experience when he changed departments. The symptoms he experienced when performing the work changing gas meters was different and new, and gradually worsened to the point where he sought medical care. Once he discovered his injury might require surgery, he provided notice to his employer. The evidence does not support defendant's claim that claimant reported a continuation of his 2006 injury. It is more likely that it was assumed to be a continuation of that injury by Nurse Straight, or a simple misunderstanding occurred. Claimant credibly testified that his symptoms in 2021 were different than he had experienced before, and at no time did he believe it to be a continuation of his prior injury.

Defendant had actual knowledge that claimant was alleging a shoulder injury within 90 days of the occurrence of the injury. The disagreement regarding the date of manifestation of the injury is insufficient to defeat defendant's actual knowledge of the condition. Likewise, claimant's petition was timely filed for the April 26, 2021 date of injury. As such, defendant's affirmative defenses fail. Claimant has sustained a compensable injury to his left shoulder, and is entitled to medical care under Iowa Code section 85.27.

CONCLUSIONS OF LAW

The party who would suffer loss if an issue were not established ordinarily has the burden of proving that issue by a preponderance of the evidence. Iowa R. App. P. 6.904(3)(e). The claimant has the burden of proving by a preponderance of the evidence that the alleged injury actually occurred and that it both arose out of and in the

course of the employment. Quaker Oats Co. v. Ciha, 552 N.W.2d 143, 150 (Iowa 1996); Miedema v. Dial Corp., 551 N.W.2d 309, 311 (Iowa 1996).

The words "arising out of" refer to the cause or source of the injury. The words "in the course of" refer to the time, place, and circumstances of the injury. 2800 Corp. v. Fernandez, 528 N.W.2d 124, 128 (Iowa 1995). An injury arises out of the employment when a causal relationship exists between the injury and the employment. Miedema, 551 N.W.2d at 311. The injury must be a rational consequence of a hazard connected with the employment and not merely incidental to the employment. Koehler Elec. v. Wills, 608 N.W.2d 1, 3 (Iowa 2000); Miedema, 551 N.W.2d at 311. An injury occurs "in the course of" employment when it happens within a period of employment at a place where the employee reasonably may be when performing employment duties and while the employee is fulfilling those duties or doing an activity incidental to them. Ciha, 552 N.W.2d at 150. An employee does not cease to be in the course of employment merely because the employee is not actually engaged in doing some specifically prescribed task, if, in the course of employment, the employee does some act which he or she deems necessary for the benefit or interest of the employer. United Parcel Serv. v. Miller, No. 99-1596, 2000 WL 1421800, at *1 (Iowa Ct. App. Sept. 27, 2000) (citing Farmers Elevator Co., Kingsley v. Manning, 286 N.W.2d 174, 177 (Iowa 1979)).

The claimant has the burden of proving by a preponderance of the evidence that the injury is a proximate cause of the disability on which the claim is based. A cause is proximate if it is a substantial factor in bringing about the result; it need not be the only cause. A preponderance of the evidence exists when the causal connection is probable rather than merely possible. George A. Hormel & Co. v. Jordan, 569 N.W.2d 148 (Iowa 1997); Frye v. Smith-Doyle Contractors, 569 N.W.2d 154 (Iowa App. 1997); Sanchez v. Blue Bird Midwest, 554 N.W.2d 283 (Iowa App. 1996).

The question of causal connection is essentially within the domain of expert testimony. The expert medical evidence must be considered with all other evidence introduced bearing on the causal connection between the injury and the disability. Supportive lay testimony may be used to buttress the expert testimony and, therefore, is also relevant and material to the causation question. The weight to be given to an expert opinion is determined by the finder of fact and may be affected by the accuracy of the facts the expert relied upon as well as other surrounding circumstances. The expert opinion may be accepted or rejected, in whole or in part. St. Luke's Hosp. v. Gray, 604 N.W.2d 646 (Iowa 2000); IBP, Inc. v. Harpole, 621 N.W.2d 410 (Iowa 2001); Dunlavey v. Economy Fire and Cas. Co., 526 N.W.2d 845 (Iowa 1995). Miller v. Lauridsen Foods, Inc., 525 N.W.2d 417 (Iowa 1994). Unrebutted expert medical testimony cannot be summarily rejected. Poula v. Siouxland Wall & Ceiling, Inc., 516 N.W.2d 910 (Iowa App. 1994).

I found that the greater weight of evidence proves that claimant's injury most likely arose out of and in the course of his employment. The repetitive nature of his job changing out gas meters, on top of the preexisting condition of his left shoulder, was enough to aggravate, accelerate, or otherwise cause his current condition. Both Dr. Jacobson and Dr. Lehr opined that his work caused the injury. I did not find Dr.

Jacobson's revised opinion issued on August 25, 2022, to be convincing. There is no evidence in the record to suggest anything other than work caused claimant's injury. As such, claimant sustained a compensable injury arising out of and in the course of his employment on or around April 26, 2021.

Defendant has raised the affirmative defenses of lack of timely notice under Iowa Code section 85.23, and untimely filing under Iowa Code section 85.26.

Iowa Code section 85.23 requires an employee to give notice of the occurrence of an injury to the employer within 90 days from the date of the occurrence, unless the employer has actual knowledge of the occurrence of the injury. The purpose of the 90-day notice or actual knowledge requirement is to give the employer an opportunity to timely investigate the facts surrounding the injury. The actual knowledge alternative to notice is met when the employer, as a reasonably conscientious manager, is alerted to the possibility of a potential compensation claim through information which makes the employer aware that the injury occurred and that it may be work related. Dillinger v. City of Sioux City, 368 N.W.2d 176 (Iowa 1985); Robinson v. Department of Transp., 296 N.W.2d 809 (Iowa 1980).

Failure to give notice is an affirmative defense, which the employer must prove by a preponderance of the evidence. DeLong v. Iowa State Highway Commission, 229 Iowa 700, 295 N.W. 91 (1940).

Defendant had actual knowledge that claimant was receiving medical treatment for his left shoulder condition, which he asserted was work related. The disagreement between the claimant and the employer as to the proper manifestation date of a cumulative injury is insufficient to defeat defendant's actual knowledge of the condition. Jepsen v. Gomaco Corp., File No. 5032623 (Remand, Oct. 24, 2013). No later than June 2, 2021, defendant had actual knowledge that claimant was alleging a work related injury to his left shoulder, triggering the duty to conduct a reasonable investigation into the cause and nature of the injury. Defendant did begin an investigation, further demonstrating it had notice of the alleged injury. Therefore, it is concluded that defendants' affirmative defense of lack of notice fails.

Likewise, the affirmative defense of untimely filing under Iowa Code section 85.26 also fails. That section requires a petition be filed within two years of the date the injury occurred. Claimant's petition was filed timely.

Because claimant's injury arose out of and in the course of employment, defendant is responsible for ongoing medical treatment pursuant to Iowa Code section 85.27. That section states that the employer shall furnish reasonable surgical, medical, dental, osteopathic, chiropractic, podiatric, physical rehabilitation, nursing, ambulance and hospital services and supplies for all conditions compensable under the workers' compensation law. The employer shall also allow reasonable and necessary transportation expenses incurred for those services. The Iowa Supreme Court has held the employer has the right to choose the provider of care, except when the employer has denied liability for the injury, or has abandoned care. Iowa Code § 85.27(4); Bell

Bros. Heating & Air Conditioning v. Gwinn, 779 N.W.2d 193, 204 (Iowa 2010). If the employee establishes the compensability of the injury at a contested case hearing, then the statutory duty of the employer to furnish medical care for compensable injuries emerges to support an award of reasonable medical care the employer should have furnished from the inception of the injury had compensability been acknowledged. Id. Therefore, defendant shall immediately authorize reasonable medical care related to claimant's left shoulder injury.

Finally, the hearing report indicates that claimant requests a taxation of costs. Assessment of costs is a discretionary function of this agency. Iowa Code § 86.40. Costs are to be assessed at the discretion of the deputy commissioner or workers' compensation commissioner hearing the case. 876 IAC 4.33. Claimant did not support any documentation regarding what costs have been incurred. As such, the undersigned cannot award costs in this matter.

ORDER

THEREFORE, IT IS ORDERED:

Defendant shall immediately authorize appropriate reasonable medical care for claimant's left shoulder injury, as outlined above.

Defendant shall file subsequent reports of injury (SROI) as required by this agency pursuant to rules 876 IAC 3.1(2) and 876 IAC 11.7.

The parties shall bear their own costs.

Signed and filed this ___7th___ day of August, 2023.

JESSICA L. CLEEREMAN
DEPUTY WORKERS'
COMPENSATION COMMISSIONER

The parties have been served, as follows:

John Dougherty (via WCES)

Lori Brandau (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.