

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

SHEILA GUITER,

Claimant,

vs.

GRAPE TREE MEDICAL
STAFFING, LLC.

Employer,

and

WESCO INSURANCE COMPANY,

Insurance Carrier,
Defendants.

File No. 5067812.01

A P P E A L

D E C I S I O N

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

Claimant Sheila Guiter appeals from an arbitration decision filed on February 17, 2021. Defendants Grape Tree Medical Staffing, LLC, employer, and its insurer, Wesco Insurance Company, respond to the appeal. The case was heard on October 9, 2020, and it was considered fully submitted in front of the deputy workers' compensation commissioner on November 6, 2020.

In the arbitration decision, the deputy commissioner found claimant failed to carry her burden of proof to establish she sustained any permanent disability of her right knee or of her left hip as a result of the stipulated November 28, 2017, work injury. As such, all other issues raised in this matter were found moot. The deputy commissioner ordered the parties to pay their own costs of the arbitration proceeding.

Claimant asserts on appeal that the deputy commissioner erred in finding claimant failed to prove she sustained any permanent disability and in failing to award permanent disability benefits.

Defendants assert on appeal that the arbitration decision should be affirmed in its entirety.

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 February 17, 2021, 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 she sustained any permanent disability of her right knee or of her left hip as a result of the work injury. I affirm the deputy commissioner's order that the parties pay their own costs of the arbitration proceeding.

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

ORDER

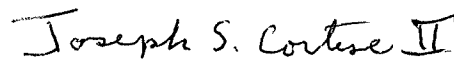
IT IS THEREFORE ORDERED that arbitration decision filed on February 17, 2021, is affirmed in its entirety.

Claimant shall take nothing from these proceedings in the way of permanent disability benefits.

Pursuant to rule 876 IAC 4.33, the parties shall pay their own costs of the arbitration hearing, 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 (SROI) as required by this agency.

Signed and filed on this 7th day of June, 2021.



JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

The parties have been served as follows:

Edwin Detlie (via WCES)

Andrew Tice (via WCES)