

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

MATTHEW MARKEZICH,

Claimant,

vs.

FINISH LINE, INC.,

Employer,

and

SAFETY NATIONAL CASUALTY CO.,

Insurance Carrier,

Defendants.

File No. 21010618.01

A P P E A L

D E C I S I O N

Headnotes: 1402.30; 1402.40; 1403.10;
 1403.20; 1802; 1803; 2501;
 2907; 4000.2; 5-9998

Defendants Finish Line, Inc., employer, and its insurance carrier, Safety National Casualty Company, appeal from an arbitration decision filed on July 18, 2023. Claimant Matthew Markezich responds to the appeal. This case was heard on February 28, 2023, and it was considered fully submitted in front of the deputy workers' compensation commissioner on March 21, 2023.

In the arbitration decision, the deputy commissioner found claimant carried his burden of proof to establish that the right knee injury claimant sustained on June 16, 2021, arose out of and in the course of claimant's employment with defendant-employer. The deputy commissioner found claimant proved he is entitled to receive healing period benefits for the work injury from July 13, 2021, through February 7, 2022. The deputy commissioner found claimant proved he sustained scheduled member permanent impairment of two percent of his right lower extremity as a result of the work injury, which entitles claimant to receive 4.4 weeks of permanent partial disability benefits commencing on February 8, 2022. The deputy commissioner found defendants are liable for claimant's requested past medical expenses itemized in claimant's Exhibit 4. The deputy commissioner found claimant is entitled to receive penalty benefits from defendants in the total amount of \$3,648.98 for defendants' unreasonable failure to pay healing period benefits and permanent partial disability benefits. The deputy commissioner ordered defendants to pay claimant's costs of the arbitration proceeding in the amount of \$1,370.36.

Defendants asserts on appeal that the deputy commissioner erred in finding claimant proved his June 16, 2021, right knee injury arose out of and in the course of claimant's employment. Defendants assert the deputy commissioner erred in finding claimant proved he is entitled to receive healing period benefits and permanent partial disability benefits for the injury. Defendants assert the deputy commissioner erred in finding defendants are liable for claimant's requested past medical expenses. Defendants assert the deputy commissioner erred in finding claimant is entitled to receive penalty benefits. Defendants assert the deputy commissioner erred in ordering defendants to pay claimant's costs of the arbitration proceeding.

Claimant asserts 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 July 18, 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 proved the right knee injury claimant sustained on June 16, 2021, arose out of and in the course of claimant's employment with defendant-employer. I affirm the deputy commissioner's finding that claimant proved he is entitled to receive healing period benefits for the work injury from July 13, 2021, through February 7, 2022. I affirm the deputy commissioner's finding that claimant proved he sustained scheduled member permanent impairment of two percent of his right lower extremity as a result of the work injury. I affirm the deputy commissioner's finding that defendants are liable for the requested past medical expenses itemized in Claimant's Exhibit 4. I affirm the deputy commissioner's finding that claimant is entitled to penalty benefits in the total amount of \$3,648.98 for defendants' unreasonable failure to pay healing period benefits and permanent partial disability benefits. I affirm the deputy commissioner's order that defendants pay claimant's costs of the arbitration proceeding in the amount of \$1,370.36.

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 July 18, 2023, is affirmed in its entirety.

Defendants shall pay claimant healing period benefits from July 13, 2021, through February 7, 2022, at the weekly rate of two hundred twenty-one and 15/100 dollars (\$221.15).

Defendants shall pay claimant 4.4 weeks of permanent partial disability benefits commencing on February 8, 2022, at the weekly rate of two hundred twenty-one and 15/100 dollars (\$221.15).

Defendants shall pay accrued weekly benefits in a lump sum together with interest 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.

Defendants shall receive credit for all benefits previously paid.

Defendants shall pay claimant's requested past medical expenses itemized in claimant's Exhibit 4.

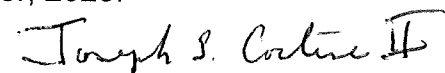
Defendants shall pay claimant three thousand two hundred six and 68/100 dollars (\$3,206.68) in penalty benefits for failure to pay healing period benefits.

Defendants shall pay claimant four hundred forty-two and 30/100 dollars (\$442.30) in penalty benefits for failure to pay claimant permanent partial disability benefits.

Pursuant to rule 876 IAC 4.33, defendants shall pay claimant's costs of the arbitration proceeding in the amount of one thousand three hundred seventy and 36/100 (\$1,370.36), and defendants 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 7th day of November, 2023.



JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

The parties have been served as follows:

Jason Neifert (via WCES)

Abigail Wenninghoff (via WCES)