

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

CHRISTINE CARLILE,

Claimant,

vs.

POLARIS INDUSTRIES, INC.,

Employer,
Self-Insured,
Defendant.

File No. 5047177

A P P E A L

D E C I S I O N

Head Note No: 1100

FILED

JAN 18 2017

WORKERS' COMPENSATION

Claimant Christine Carlile appeals from an arbitration decision filed on August 27, 2015. Defendant Polaris Industries, Inc., self-insured employer, responds to the appeal. The case was heard on May 22, 2015, and it was considered fully submitted in front of the deputy workers' compensation commissioner on June 22, 2015.

The deputy commissioner found claimant failed to carry her burden of proof that she sustained an injury arising out of and in the course of her employment on September 4, 2013, as alleged. The deputy commissioner awarded claimant nothing.

Because the deputy commissioner found claimant failed to carry her burden of proof on the issues of causation and compensability, the deputy commissioner found all other issues raised by claimant in the arbitration proceeding to be moot and the deputy commissioner did not address those issues, which include the extent of entitlement to permanent partial disability (PPD) benefits, if any, the commencement date for payment of PPD benefits, claimant's correct weekly benefit rate, claimant's entitlement to penalty benefits, claimant's entitlement to payment of requested past medical expenses, and claimant's entitlement to reimbursement for the independent medical evaluation (IME) performed by Marc Hines, M.D., on January 16, 2015. The deputy commissioner also ordered claimant to pay the costs of the arbitration proceeding.

Claimant asserts on appeal that the deputy commissioner erred in finding claimant failed to carry her burden of proof that she sustained injuries arising out of and in the course of her employment on September 4, 2013, as alleged. Claimant asserts the deputy commissioner erred in failing to address the other issues raised in the arbitration proceeding. Claimant also asserts the deputy commissioner erred in failing to order defendant to pay the costs of the arbitration proceeding and in ordering claimant to pay those costs.

Defendant asserts 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.

Having performed a de novo review of the evidentiary record and the detailed arguments of the parties, 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 August 27, 2015, which relate to the issues properly raised on intra-agency appeal.

I find the deputy commissioner provided sufficient analysis 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 carry her burden of proof that she sustained an injury arising out of and in the course of her employment on September 4, 2013, as alleged. I affirm the deputy commissioner's finding that claimant is entitled to take nothing in this matter. Because I affirm the deputy commissioner's finding that claimant failed to carry her burden of proof on the issues of causation and compensability, I affirm the deputy commissioner's finding that it is unnecessary to address the other issues raised in the arbitration proceeding, which include the commencement date for payment of PPD benefits, claimant's correct weekly benefit rate, claimant's entitlement to penalty benefits and claimant's entitlement to payment of requested past medical expenses. With regard to the issue of whether claimant is entitled to reimbursement for Dr. Hines' IME, pursuant to Iowa Code Section 85.39 I find that because defendant never obtained an evaluation of claimant's alleged permanent impairment, the deputy commissioner correctly refused to order defendant to reimburse claimant for the cost of Dr. Hines' IME. I also affirm the deputy commissioner's order that claimant pay the costs of the arbitration proceeding. I affirm the deputy commissioner's findings, conclusions and analysis regarding those issues.

Some of the findings by the deputy commissioner in the arbitration decision were based on the deputy commissioner's findings regarding claimant's credibility. While I performed a de novo review, I give considerable deference to findings of fact which are impacted by the credibility findings, expressly or impliedly made, regarding claimant by the deputy commissioner who presided at the arbitration hearing.

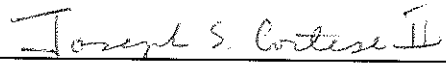
ORDER

IT IS THEREFORE ORDERED that the arbitration decision of August 27, 2015, is affirmed in its entirety.

Claimant shall take nothing in this matter.

Pursuant to rule 876 IAC 4.33, claimant shall pay the costs of the arbitration proceeding and claimant shall pay the costs of the appeal, including the cost of the hearing transcript.

Signed and filed this 18th day of January, 2017.



JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

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