

IN THE IOWA DISTRICT COURT IN AND FOR CHICKASAW COUNTY

DEAN HOFFMAN, Vs. CURRIES, MFG. and TRAVELERS INDEMNITY CO OF CT.	Petitioner Respondents.	CASE NO. CVCV004066 RULING ON ADMINISTRATIVE APPEAL
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This matter came before the court for judicial review of a final agency determination entered by the Iowa Worker's Compensation Commission pursuant to Iowa Code Section 17A.19. The parties appeared through counsel and provided oral argument. Each filed a brief and the court took the matter under advisement. The court has reviewed all materials and now enters the following order:

FACTS AND PROCEDURAL HISTORY

Dean Hoffman seeks judicial review of a finding by the Iowa Worker's Compensation Commission finding that bilateral knee replacements he underwent in 2013 were not related to a left knee meniscus tear he suffered at work in 2007. He has worked as a laborer at Curries Manufacturing since 1984.

On March 7, 2017, he suffered a knee injury when he tripped over an air hose while at work. He was referred to Dr. Eric Potthoff, an orthopedic surgeon, who diagnosed him with a medial meniscus tear of the left knee. Hoffman had surgery to mend the tear and was discharged from care on September 18, 2007 and released to resume full work duties.

Hoffman returned to Dr. Potthoff again in 2007 with complaints of left knee pain and received cortisone shots. At that time, Dr. Potthoff indicated he might need a knee replacement in the future and that his symptoms were related to degenerative joint disease.

Hoffman had no complaints of leg pain over the next three years but began having left knee pain again in 2011. He asked Curries for referral to a doctor and they referred him to Dr. Michael Crane. His sole complaint was left knee pain. He made no mention of any right knee issues. He saw Dr. Crane on March 14, 2011 and was given an injection in his knee. He returned to Dr. Crane in February of 2012 who told him at that time that a knee replacement would be needed in the future.

Hoffman continued to seek treatment for his left knee complaints over the next several years including an MRI in 2012. He saw additional doctors into 2014 and finally underwent a left knee replacement on November 14 of that year. The same year, Hoffman began having difficulties with his right knee likely related to the problems with his left knee. He eventually had surgery on that knee on April 17, 2016.

Hoffman filed a claim for worker's compensation benefits as to his two knee surgeries claiming they were causally related to his 2007 work related injury. Four physicians provided causation opinions before the Commission. Dr. Russell Gelfman and Dr. Franklin Sim, each from the Mayo Clinic, opined that both surgeries were related to the 2007 incident. Dr. Sim performed the right knee replacement

Dr. Crane and Dr. Schulte each opined that Hoffman's surgeries were the result of degenerative joint disease and that the fall in 2007 was not a substantial factor in his later surgeries. The Deputy Commissioner found the opinions of Dr's Crane and Schulte more convincing than those of Dr's Gelfman and Sim and concluded that Hoffman had failed to carry his burden that his knee replacements were causally related and denied his claim.

Hoffman appealed the decision to the commissioner who upheld the Deputies findings. He wrote that the deputy commissioner provided a well reasoned analysis of the issues and found they were based on the facts as presented.

THIS COURTS STANDARD OF REVIEW

This court reviews decisions of the Iowa Workers' Compensation Commissioner under Iowa Code Chapter 17A. Under Iowa Code Section 17A.19, this court reviews final agency determinations upon request of either party. The decision of the commissioner in this case is the final agency determination.

The standard of review for the court differs depending upon the type of error alleged to have been committed by the Commissioner. *Jacobson Transportation Co. v. Harris*, 778 N.W.2d 192,196 (Iowa 2010). If the error is one of fact, the Court must determine whether the Commissioner's decision was based on and supported by substantial evident in the record. Iowa Code Section 17A.19(10)(f). *Meyer v. IBP, Inc.* 710 N.W.2d 213, 219 (Iowa 2000). If the alleged error is one of interpretation of law, the Court must determine whether the Commissioner's interpretation is erroneous and if so substitute the Court's interpretation for that of the Commissioner. Iowa Code Section 17A.19(10)(c). If the alleged error is of the Commissioner's application of the law to the facts, the Court determines if the decision is "based upon an irrational, illogical or wholly unjustifiable application of law to fact". Iowa Code Section 17A.19A(10)(m).

ANALYSIS AND DECISION

Hoffman claims the Deputy Commissioner applied the wrong legal standard in evaluating the causal connection between his surgeries and the 2007 fall. Specifically, he argues the Commissioner required him to prove the 2007 injury was the most substantial factor in causing his knee surgeries instead of simply one of several substantial factors. He had the burden of proof to establish that his knee injury in 2007 was a cause of his need for knee replacements. *George A. Hormel & Company v. Jordan*, 569 N.W.2d 148 (Iowa 1997). A cause is proximate if it is a substantial factor in bringing about the result. See *Holmes v. Bruce Motor Freight, Inc.*, 215 N.W.2d 296, 297 (Iowa 1974). It only needs to be one cause; it does not have to be the only cause.

Substantial evidence supports the commissioner's findings. Iowa Code § 17A.19(10)(f)(1) (stating a decision of the commissioner is supported by substantial evidence if the evidence is of

the “quantity and quality of evidence that would be deemed sufficient by a neutral, detached, and reasonable person, to establish the fact at issue when the consequences resulting from the establishment of that fact are understood to be serious and of great importance”). Two physicians rendered opinions on the cause of Hoffman’s knee replacement surgery: Dr. Crane and Dr. Schulte. Causal connection is essentially within the domain of expert testimony. *Bradshaw v. Iowa Methodist Hosp.*, 251 Iowa 375, 383, 101 N.W.2d 167, 171 (1960). While two other physicians rendered opposite opinions, the commissioner was within his right to juxtapose the contradicting opinions and choose those he found my compelling. The fact he found the opinions of Crane and Schulte more credible does not render his opinion wrong.

Moreover, the commissioner applied the correct legal standards in making these determinations. Hoffman finds fault with the commissioner's findings that the opinions of Dr’s Crane and Schulte were more credible. Hoffman claims the commissioner applied a higher, hyper-technical, and incorrect standard in determining whether the 2007 injury was a substantial cause of his need for knee surgery. As stated in *Ayers vs. D & N Fence Company* 732 N.W.2d 11, 17 (Iowa 2007) “Hoffman’ is grasping at straws”. A claimant has the burden of proving his work-related injury was a proximate cause of his disability. *Meyer v. IBP, Inc.*, 710 N.W.2d 213, 220 (Iowa 2006) (quoting *Freeman v. Luppés Transp. Co.*, 227 N.W.2d 143, 148 (Iowa 1975)). In order for a cause to be proximate, it must be a “substantial factor.” *Kelly v. Sinclair Oil Corp.*, 476 N.W.2d 341, 349 (Iowa 1991). The commissioner simply made a factual finding that one set of experts testimony was more credible than the other. He did not require Hoffman to show the 2007 injury was the only cause of his need for knee surgeries. The commissioner applied the correct standard and this court has no quarrel with his analysis.

CONCLUSION

Substantial evidence supports the commissioner's findings that Hoffman’s surgeries and disability related to those surgeries were not substantially related to his 2007 fall. The decision of the commissioner is hereby AFFIRMED.

Costs are assessed to the petitioner.



State of Iowa Courts

Type: OTHER ORDER

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So Ordered

A handwritten signature in blue ink, reading "Richard D. Stochl", is written over a horizontal line.

Richard D. Stochl, District Court Judge,
First Judicial District of Iowa