

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

CATHY GOTT,
Claimant,

vs.

QUAKER OATS COMPANY,
Employer,

and

INDEMNITY INSURANCE COMPANY
OF NORTH AMERICA,
Insurance Carrier,
Defendants.

FILED
JAN 5 2016

WORKERS' COMPENSATION

File No. 5042516

A P P E A L

D E C I S I O N

Head Note No.: 1803

Defendants Quaker Oats Company and Indemnity Insurance Company of North America appeal from an arbitration decision filed on October 29, 2014. The case was heard on May 6, 2014, and it was considered fully submitted on June 6, 2014, in front of the deputy workers' compensation commissioner.

The deputy commissioner found that claimant sustained an injury arising out of and in the course of her employment with Quaker Oats on October 16, 2012. The deputy awarded claimant 50 percent industrial disability at the stipulated weekly benefit rate of \$725.14. The deputy commissioner gave defendants credit for benefits previously paid. The deputy commissioner also awarded accrued medical expenses and future medical treatment expenses as detailed in the arbitration decision. The deputy commissioner also awarded court costs as detailed in the body of the arbitration decision.

Defendants assert on appeal that the deputy commissioner erred in finding claimant sustained an injury arising out of and in the course of her employment on October 16, 2012. Additionally, defendants argue that the deputy commissioner erred in finding claimant's disability was causally related to her injury on October 16, 2012. Defendants also assert that the deputy commissioner erred in awarding 50 percent industrial disability.

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 86.24 and 17A.5, I affirm and adopt as the final agency decision those portions of the proposed arbitration decision filed on October 29, 2014, which relate to issues properly raised on intra-agency appeal with the following analysis:

I concur with the deputy commissioner's findings of fact and conclusions of law pertaining to the issues of whether claimant sustained a compensable injury on October 16, 2012, whether claimant's disability was causally related to the work injury, as well as the finding that claimant sustained 50 percent industrial disability as a result of the work injury.

ORDER

IT IS THEREFORE ORDERED that the arbitration decision of October 29, 2014, is affirmed in its entirety.

Defendants shall pay claimant two hundred fifty (250) weeks of permanent partial disability benefits at the rate of seven hundred twenty-five and 14/100 dollars (\$725.14) per week from June 19, 2013.

Defendants shall pay accrued weekly benefits in a lump sum.

Defendants shall pay interest on unpaid weekly benefits awarded herein as set forth in Iowa Code section 85.30.

Defendants shall be given credit for benefits previously paid.

Defendants shall pay claimant's prior medical expenses submitted by claimant at the hearing.

Defendants shall pay claimant's future medical expenses necessitated by the work injury.

The employer and insurance carrier 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 employer and insurance carrier shall pay the costs of the appeal, including the cost of the hearing transcript.

Signed and filed this 5th day of January, 2016.



JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

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