

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

**FILED**

**FEB 23 2018**

LAQUONEDRIAN JONES,

Claimant,

vs.

JOHN DEERE WATERLOO WORKS,

Employer,  
Self-Insured,  
Defendant.

File No. 5052098

A P P E A L

D E C I S I O N

Head Note Nos: 1402.30; 2502; 5-9998

WORKERS' COMPENSATION

Claimant Laquonedrian Jones appeals from an arbitration decision filed on September 7, 2016. Defendant John Deere Waterloo Works, self-insured employer, responds to the appeal. The case was heard on January 19, 2016, and it was considered fully submitted in front of the deputy workers' compensation commissioner on February 22, 2016.

The deputy commissioner found claimant failed to carry her burden of proof that she sustained an injury which arose out of and in the course of her employment with defendant on or about February 1, 2014, as alleged. Because the deputy commissioner found claimant failed to carry her burden of proof on the issues of causation and compensability regarding the alleged injury, the deputy commissioner found claimant failed to prove entitlement to temporary disability benefits, permanent disability benefits and medical benefits. Because the deputy commissioner found claimant failed to carry her burden of proof on the issues of causation and compensability, the deputy commissioner's decision rendered moot defendant's Iowa Code section 85.23 90-day notice defense. The deputy commissioner found claimant is not entitled to receive reimbursement from defendant for the cost of the independent medical evaluation (IME) performed by Marc Hines, M.D. on May 8, 2015. The deputy commissioner also 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 carry her burden of proof that she sustained a work-related injury on or about February 1, 2014, as alleged. Claimant asserts the deputy commissioner erred in finding claimant failed to prove entitlement to temporary disability benefits, permanent disability benefits and medical benefits.

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.

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 September 7, 2016, 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 failed to carry her burden of proof that she sustained a work-related injury on or about February 1, 2014, as alleged. I affirm the deputy commissioner's finding that claimant failed to prove entitlement to temporary disability benefits, permanent disability benefits and medical benefits. I affirm the deputy commissioner's finding that claimant's failure to carry her burden of proof renders moot defendants' Iowa Code section 85.23 90-day notice defense. I affirm the deputy commissioner's finding that claimant is not entitled to receive reimbursement from defendant for the cost of Dr. Hines' IME. 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 the arbitration decision filed on September 7, 2016, is affirmed in its entirety.

Claimant shall taking nothing from these proceedings.

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

Signed and filed on this 23<sup>rd</sup> day of February, 2018.



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JOSEPH S. CORTESE II  
WORKERS' COMPENSATION  
COMMISSIONER

Copies to:

James P. Hoffman  
Attorney at Law  
PO Box 1087  
Keokuk, IA 52632-1087  
[jamesphoffman@aol.com](mailto:jamesphoffman@aol.com)

Michael A. McEnroe  
Attorney at Law  
PO Box 810  
Waterloo, IA 50704-0810  
[mcenroem@wloolaw.com](mailto:mcenroem@wloolaw.com)