

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

BARRY HUTCHENS,

Claimant,

vs.

EMERSON PROCESS MANAGEMENT
LLC, d/b/a FISHER CONTROLS,

Employer,

and

OLD REPUBLIC INSURANCE,

Insurance Carrier,
Defendants.

File No. 21700444.01

ARBITRATION DECISION

Head Notes: 1108.50; 1402.30;
1701; 2601.10; 2801

STATEMENT OF THE CASE

Barry Hutchens, claimant, filed a petition in arbitration seeking workers' compensation benefits from Emerson Process Management, also known as Fisher Controls, employer, and Old Republic Insurance, insurance carrier, as defendants. The hearing was held on June 1, 2022. Pursuant to an order from the Iowa Workers' Compensation Commissioner, this case was heard via videoconference using Zoom with all parties and the court reporter appearing remotely.

The parties filed a hearing report at the commencement of the arbitration hearing. On the hearing report, the parties entered into various stipulations. Those stipulations were accepted and are hereby incorporated into this arbitration decision and no factual or legal issues relative to the parties' stipulations will be raised or discussed in this decision. The parties are now bound by their stipulations.

Barry Hutchens, Michael Steven, Lee Van Cleave, and Ben Walters testified live at the trial. The evidentiary record also includes joint exhibits 1-8, claimant's exhibit 1 and defendants' exhibits A-H. All exhibits were received without objection. After the hearing, claimant filed an unresisted motion to reopen the hearing record, to include a list of unpaid medical bills that were inadvertently left out of the exhibits. The motion was granted, and the list of unpaid medical bills was received into the record.

The parties submitted post-hearing briefs on July 6, 2022, at which time the case was fully submitted to the undersigned.

ISSUES

The parties identified the following disputed issues on the hearing report:

1. Whether claimant sustained an injury that arose out of and in the course of his employment with Fisher Controls.
2. Whether the alleged injury resulted in any permanent disability; and if so,
3. The extent of claimant's entitlement to permanent disability benefits.
4. Whether the case is barred due to lack of timely notice under Iowa Code section 85.23.
5. Whether defendants are entitled to a credit under Iowa Code section 85.38(2).
6. Whether claimant is entitled to reimbursement for medical expenses.
7. Whether claimant is entitled to reimbursement for an independent medical examination pursuant to Iowa Code section 85.39.
8. Assessment of costs.

FINDINGS OF FACT

The undersigned, having considered all the evidence and testimony in the record, finds as follows:

At the time of the hearing the claimant, Barry Hutchens, was 41 years old. (Hearing Transcript, p. 13) Mr. Hutchens, his fiancé, and their children live in Marshalltown, Iowa. (Exhibit F, page 59) Mr. Hutchens attended high school through the eleventh grade in Pelion, South Carolina. (Id. at 59-60) He received his GED in 2012. (Id.) His past employment consists of working at a drilling company, a recycling center, and a demolition company, cashiering, and driving a semi. (Id. at 60-61, 69)

Mr. Hutchens began working for the employer, Fisher Controls, in 2013. (Ex. F, p. 61) When he started at Fisher Controls, Mr. Hutchens was a machine operator. (Id.) In 2014, he moved into an assembly position. (Id.) Sometime in 2020, Mr. Hutchens transferred into a new position in the Goliath Division. (Id. at 61-62) He testified this position requires turning nuts, bolts, and studs, as well as, working overhead and on ladders. (Id. at 62) The job description provided by Fisher Controls states the position requires occasional lifting, pushing, and pulling of up to 40 pounds, and reaching above shoulder height. (Ex. D, p. 50-51) It also requires occasional grasping with up to 60 pounds of force. (Id. at 52) At the time of the hearing, Mr. Hutchens was still working full-time for Fisher Controls in the Goliath Division. (Tr., p. 18-19) He makes \$22.83 per hour and works 40 hours per week with occasional overtime. (Ex. F, p. 41) Mr. Hutchens testified he is physically able to perform his job in the Goliath Division. (Tr., p.

35) Mr. Hutchens is on a bowling team that plays weekly. (Ex. B, p. 38-40). In 2020 and 2021, he participated in a bowling league and played in some tournaments. (Id.; Ex. F, p. 66; Tr., p. 26-27).

Mr. Hutchens alleges two separate work incidents involving his shoulder.¹ (Tr., p. 13-14) At the time of these alleged incidents, he was working in the special heavy assembly area, Goliath Division. (Id.) The first incident was in May 2020. (Id. at 13) Mr. Hutchens alleges he was working on a valve when he “pulled a muscle or something” in his right shoulder. (Id. at 14) He did not actually feel any shoulder pain until after his shift, when he was “trying to settle down for the evening.” (Id.) Mr. Hutchens testified that he notified his foreman, Lee Van Cleave, about the injury the next morning when he arrived at work. (Id.)

Mr. Van Cleave also testified at the hearing. Mr. Van Cleave is a production supervisor at Fisher Controls. (Tr., p. 59) He was Mr. Hutchens’ direct supervisor in May 2020. (Id.) When questioned about the alleged incident in May 2020, Mr. Van Cleave’s testimony was as follows:

Q. Mr. Hutchens has already testified in this matter, and he has testified that at some point in 2020 he informed you that he had injured his right shoulder while working. Did he ever report that to you? Did he ever inform you that he had injured his right shoulder while working?

A. No, he did not report that to me. If he would have, I would have sent him to the nurse. That’s our protocol in every injury.

Q. And I don’t want to put you on the spot or anything, but I’m going to push you a little bit: Is it your testimony that no, he did not do that, or is it that you don’t remember whether he did or not?

A. He did not tell me that.

Q. Okay.

A. He did not come to me. I would have sent him to the nurse, guaranteed.

(Id. at 60)

The medical records show Mr. Hutchens first sought treatment for right shoulder pain in the spring of 2019. (Joint Exhibit 1, p. 1) Mr. Hutchens was seen by Sherri Vesely, DNP at MercyCare Tama, for right shoulder pain that sometimes went down to his lower back. (Id.) Mr. Hutchens indicated his symptoms started the weekend prior. (Id.) He was diagnosed with a rotator cuff strain, given an injection of Toradol and released. (Id. 2-3) On June 3, 2020, Mr. Hutchens returned to Ms. Vesley for acute right shoulder pain. (Id. at 19) The treatment note from this visit states the pain started

¹ The Petition lists January 25, 2021, as the date of injury.

one to four weeks prior with no known trauma. (Jt. Ex. 1, p. 19) Mr. Hutchens received another Toradol injection, a prescription for Naproxen, and a list of shoulder exercises to perform at home. (Id. at 21) On July 10, 2020, he returned to Ms. Vesley complaining of persistent right shoulder pain. (Id. at 26) The treatment note indicates Mr. Hutchens had limited range of motion in his right shoulder, as well as crepitus, but no numbness or tingling. (Id.) He indicated his shoulder symptoms were aggravated by lying down. (Id.) Mr. Hutchens received another Toradol injection. (Id. at 26, 28) He was instructed to schedule a follow-up appointment with Ms. Vesley if his pain failed to improve. (Id. at 28) He did not return to see Ms. Vesley for shoulder complaints until February 2021. (Id. at 38)

Mr. Hutchens claims the second alleged work incident took place in January 2021. (Tr., p. 16) At the hearing he testified,

A. It was approx –it was about the second week of January when I started feeling pain again in my right shoulder, and it was the same –the same scenario working, and it felt like – felt like it was popping and I said something to my foreman.

Q. Okay. Was that the same foreman?

A. No

Q. Who was it?

A. It was Ben Walters.

(Id.)

Ben Walters also testified at the hearing. (Tr., p. 65) He is the heavy assembly and stockroom supervisor at Fisher Controls. (Id.) He became Mr. Hutchens' supervisor in January 2021. (Id.) He testified that Mr. Hutchens did not report an injury to his right shoulder in January 2021. (Id. at 66-67) His testimony was as follows,

Q. . . . Mr. Hutchens has testified in this case that he told you in January 2021 that he had injured his right shoulder and right hand at work. Did he convey this information to you in January 2021?

A. I do not recall him ever telling me that. I would have sent him to Medical if he had told me that, and I don't think Medical has any record of him going down there, being sent out from assembly. So no, I – he did not tell me that.

. . . .

Q. To your recollection, in January/February/March of 2021, did Mr. Hutchens say anything to you about having an injured shoulder or miss any time from work for any kind of injury that you remember?

A. He did not tell me about any injury; but if you look at his hours for that month, he had, like, 11 days he took off, and two half days, so you know, half of January was taken paid time out. So he wasn't at work, so –

And in the time he was there, no, he did not tell me that he had had any kind of injury.

(Id. at 66-67)

Michael Steven also testified at the hearing on behalf of defendants. (See Tr., pp. 37-58) Mr. Steven is the environmental health and safety manager at Fisher Controls. (Id. at 37) His department investigates work injuries and he testified about Fisher Controls' policies and procedures for handling work injuries. (Id. at 39). He testified that when a workplace injury is reported to a supervisor, the injured individual is immediately sent to Fisher Controls' onsite medical department for evaluation and treatment. (Id.) He or she is also asked to fill out an injury report. (Id. at 43-44) If the individual's condition does not improve after receiving care from the onsite medical department, that person is referred to Daniel Miller, D.O., a doctor specializing in occupational medicine. (Id. at 41-42). Mr. Steven testified that employees are given a refresher course on how to handle workplace injuries each year. (Id. at 42) In this course, employees are informed of how to report workplace injuries, as well as notified that if they are unsatisfied with their supervisor's response, they should go straight to the medical department themselves and/or notify the plant manager or a safety steward about the injury. (Id. at 44-45) Mr. Steven testified that no one notified him of Mr. Hutchens reporting a work injury in May 2020 or January 2021. (Id. at 45)²

On February 2, 2021, Mr. Hutchens was seen by Jerry Wille, M.D., at MercyCare Tama, for right shoulder pain. (Jt. Ex. 1, p. 36) The treatment note indicates this was a recurrent problem that gradually worsened over the last seven days. (Id.) It notes, Mr. Hutchens underwent right shoulder injections last summer that helped with his pain and it "went away entirely until [sic] in last few weeks. . . ." (Id.) Mr. Hutchens complained of numbness, stiffness, and tingling. (Id.) Dr. Wille diagnosed him with paresthesia of the right arm and subscapular bursitis. (Id. at 37) He performed a trigger point injection of the right shoulder and ordered an EMG. (Id.)

Mr. Hutchens had a follow-up visit with Ms. Vesley on February 26, 2021. (Jt. Ex. 1, p. 38) The treatment note from this visit states the last injection did not provide him with any pain relief. (Id.) Ms. Vesley writes that Mr. Hutchens' shoulder pain is a persistent problem which started in May of the previous year. (Id.) She notes he has to do "a lot of pushing and lifting at work and this worsens his symptoms." (Id.) This is the

² At the hearing, Mr. Hutchens initially testified that he reported his alleged work injury to Lee Van Cleeve and Ben Walters, who are supervisors at Fisher Controls. (Tr., p. 14, 16) On cross-exam, Mr. Hutchens testified he also reported his work injury to Randy Collison, an area manager at Fisher Controls. (Id. at 25) This does not match his deposition testimony. (See Ex. F, pp. 58-69) Mr. Hutchens did not mention reporting the injury to Randy Collison during his deposition. (Id.)

first treatment note that mentions Mr. Hutchens' job duties at Fisher Controls. (Id.) Ms. Vesley performed repeat trigger point injections. (Id.)

The EMG was performed on March 12, 2021. (Jt. Ex. 5, pp. 91-92) It revealed moderate right carpal tunnel syndrome. (Id. at 92) Mr. Hutchens followed up with Ms. Vesley on March 30, 2021. (Jt. Ex. 1, p. 40) At this visit he complained of right shoulder pain that extended down into his right arm, as well as radiated into his neck. (Id.) Ms. Vesley diagnosed him with subscapular bursitis of the right shoulder and carpal tunnel syndrome of the right wrist. (Id. at 42) She ordered an MRI of the right shoulder and referred him to a hand specialist for the carpal tunnel symptoms. (Id. at 42-44) There is no mention of Mr. Hutchens' work at Fisher Controls in Ms. Vesley's treatment note. (Id.)

The MRI was taken on April 12, 2021. (Jt. Ex. 2, p. 65) It revealed a tear of the glenoid labrum and mild osteoarthritis. (Id. at 65-66) Ms. Vesley referred Mr. Hutchens to Daniel Fabiano, M.D., for further treatment. (Jt. Ex. 3, p. 80)

On April 13, 2021, Mr. Hutchens saw Peter Chimenti, M.D., for his carpal tunnel symptoms.³ (Jt. Ex. 3, p. 76) Dr. Chimenti diagnosed him with right carpal tunnel syndrome. (Id.) For future treatment, Dr. Chimenti offered Mr. Hutchens injection therapy or surgery. (Id.) Mr. Hutchens decided to proceed with non-operative treatment. (Id.) Dr. Chimenti injected his right wrist and provided a wrist brace. (Id.) Dr. Chimenti's note indicates Mr. Hutchens was to return to his office "as-needed" for the carpal tunnel symptoms. (Id.) Mr. Hutchens did not seek any follow-up treatment with Dr. Chimenti.

Dr. Fabiano evaluated Mr. Hutchens' right shoulder issues on April 29, 2021. (Jt. Ex. 3, p. 80) He diagnosed a possible labral tear and recommended surgery. (Id. at 80, 86) On May 3, 2021, Dr. Fabiano performed a right shoulder arthroscopy with extensive debridement. (Jt. Ex. 4, p. 89) Dr. Fabiano's post-operative diagnosis was a partial thickness supraspinatus tear of the undersurface, a degenerative superior labral tear, and biceps complex. (Id.) Following the shoulder surgery, Dr. Fabiano took Mr. Hutchens off work and ordered a short course of physical therapy. (See, e.g., Jt. Ex. 2, pp. 72-75) Dr. Fabiano returned Mr. Hutchens back to work without restrictions on July 26, 2021.⁴ (Jt. Ex. 3, p. 84)

The record does not contain an impairment rating from Dr. Fabiano. In March 2022, defendants' counsel met with Dr. Fabiano to discuss Mr. Hutchens' right shoulder condition. (Jt. Ex. 8, p. 107) After this meeting, Dr. Fabiano was asked to provide a follow-up report, responding to three questions. The first of these questions asks Dr. Fabiano to opine on the cause of Mr. Hutchens' right shoulder condition. In response, Dr. Fabiano writes "he stated work injury Jan. 2021." (Id. at 108) However, Dr. Fabiano's next response agrees that the labral and tendon tear he observed during the May 3, 2021 surgery were degenerative and could have also been caused by Mr.

³ Dr. Chimenti's note indicates Mr. Hutchens' carpal tunnel symptoms were a "nonwork-related complaint" (Jt. Ex. 3, p. 76)

⁴According to the medical records, this was done at Mr. Hutchens' request. (Jt. Ex. 3, p. 83)

Hutchens' daily living activities and/or bowling. (Id.) Dr. Fabiano indicated he could not opine on whether Mr. Hutchens suffered any permanent impairment to his right shoulder as a result of the May 3, 2021 surgery without a new exam. (See id.)

At the request of his attorney, Mr. Hutchens underwent an independent medical evaluation (IME) with Sangeeta Shah, M.D., on July 21, 2021. (Jt. Ex. 7, p. 98) Dr. Shah's report indicates he reviewed medical records dated April 23, 2021, through May 23, 2021, as well as the EMG report prepared by Sunny Kim, M.D., on March 12, 2021. (Id.) Mr. Hutchens told Dr. Shah that he works on an "assembly line and has to use manual torque weighing up to 400 pounds" and also "has to lift overhead for the assembly and that involves lifting heavy objects." (Id.) Dr. Shah diagnosed Mr. Hutchens with a right shoulder labrum tear secondary to lifting heavy objects at work and "moderate right carpal tunnel syndrome secondary to repetitive motions at work which involved working with valves/manual torques weighing up to 400 pounds." (Id. at 102) He opined Mr. Hutchens was at maximum medical improvement (MMI) for these conditions and assigned 5 percent of the right upper extremity for Mr. Hutchens' shoulder condition, citing to Figures 16-40, 16-43 and 16-46 in the AMA Guides to the Evaluation of Permanent Impairment, Fifth Edition. (Id. at 102-103) He also assigned 10 percent of the right upper extremity for his carpal tunnel symptoms, citing to Tables 16-10 and 16-15. (Id. at 103) Dr. Shah did not recommend any permanent work restrictions for Mr. Hutchens' right shoulder and/or right wrist/arm conditions. (Id.)

I do not find Dr. Shah's opinion persuasive. Mr. Hutchens told Dr. Shah that his right shoulder pain "started in May 2020." (Jt. Ex. 7, p. 98) Despite this, Dr. Shah's report indicates he only reviewed Dr. Kim's EMG report from March 12, 2021, and treatment records dated April 23, 2021, through May 23, 2021. (Id.) The medical records, however, show that Mr. Hutchens' right shoulder pain and resulting medical care began in 2019. (Jt. Ex. 1, p. 1) Thus, Dr. Shah provided a causation opinion without reviewing all of Mr. Hutchens' prior treatment records. Additionally, Dr. Shah's report finds his right shoulder and carpal tunnel symptoms causally related to his work because it involves "lifting heavy objects" and repetitive motions "working with valves/manual torques weighing up to 400 pounds." (Jt. Ex. 7, p. 102) The job description provided by Dr. Shah is not supported by the evidence. It does not match the job analysis supplied by Fisher Controls. (Ex. D, p. 50-53) Nor is it supported by the hearing testimony of Mr. Steven and/or Mr. Hutchens. (Tr., p. 29-30, 53-58) Dr. Shah was the only medical provider to causally relate Mr. Hutchens' right shoulder and right carpal tunnel symptoms to his employment at Fisher Controls.⁵ Given this, I find Mr. Hutchens failed to carry his burden of proof to show he sustained an injury that arose out of and in the course of his employment with Fisher Controls. Because Mr. Hutchens failed to meet his burden of proof on causation, the remaining issues

⁵ Dr. Fabiano was also asked to opine on the cause of Mr. Hutchens' right shoulder symptoms. (Jt. Ex. 8, p. 107) In his responsive report, he agreed that the right shoulder labral and tendon tears were "just as likely" degenerative and caused by Mr. Hutchens' activities of daily living or his bowling, then they were caused by his work at Fisher Controls. (Id.) The record does not contain a causation opinion from Dr. Chimenti for Hutchens' carpal tunnel symptoms.

concerning entitlement to benefits, permanent disability, lack of timely notice, reimbursement of medical expenses, and defendants' potential credits are moot, and the undersigned will make no fact findings on those issues.

Mr. Hutchens is seeking reimbursement for the IME performed by Dr. Shah on July 21, 2021. Claimant was not successful in his case against defendants. I find he is not entitled to reimbursement for the cost of Dr. Shah's IME, due to his lack of success at hearing and the timing of his IME exam with Dr. Shah. Dr. Shah's IME exam was performed before Dr. Fabiano even released him to return to work at Fisher Controls. At that time, defendants had not yet sought any opinions on causation or permanent impairment. (See Jt. Ex. 3, p. 84; Jt. Ex. 7, p. 98) Alternatively, Mr. Hutchens seeks reimbursement for Dr. Shah's IME as a litigation cost. I find Mr. Hutchens was not generally successful in his case. Each party shall bear their own costs.

CONCLUSIONS OF LAW

The party who would suffer loss if an issue were not established ordinarily has the burden of proving that issue by a preponderance of the evidence. Iowa R. App. P. 6.904(3)(e).

The claimant has the burden of proving by a preponderance of the evidence that the alleged injury occurred and that it both arose out of and in the course of the employment. Quaker Oats Co. v. Ciha, 552 N.W.2d 143 (Iowa 1996); Miedema v. Dial Corp., 551 N.W.2d 309 (Iowa 1996). The words "arising out of" refer to the cause or source of the injury. The words "in the course of" refer to the time, place, and circumstances of the injury. 2800 Corp. v. Fernandez, 528 N.W.2d 124 (Iowa 1995). An injury arises out of the employment when a causal relationship exists between the injury and the employment. Miedema, 551 N.W.2d 309. The injury must be a rational consequence of a hazard connected with the employment and not merely incidental to the employment. Koehler Electric v. Wills, 608 N.W.2d 1 (Iowa 2000); Miedema, 551 N.W.2d 309. An injury occurs "in the course of" employment when it happens within a period of employment at a place where the employee reasonably may be when performing employment duties and while the employee is fulfilling those duties or doing an activity incidental to them. Ciha, 552 N.W.2d 143.

The claimant has the burden of proving by a preponderance of the evidence that the injury is a proximate cause of the disability on which the claim is based. A cause is proximate if it is a substantial factor in bringing about the result; it need not be the only cause. A preponderance of the evidence exists when the causal connection is probable rather than merely possible. George A. Hormel & Co. v. Jordan, 569 N.W.2d 148 (Iowa 1997); Frye v. Smith-Doyle Contractors, 569 N.W.2d 154 (Iowa App. 1997); Sanchez v. Blue Bird Midwest, 554 N.W.2d 283 (Iowa App. 1996).

The question of causal connection is essentially within the domain of expert testimony. The expert medical evidence must be considered with all other evidence introduced bearing on the causal connection between the injury and the disability. Supportive lay testimony may be used to buttress the expert testimony and, therefore, is

also relevant and material to the causation question. The weight to be given to an expert opinion is determined by the finder of fact and may be affected by the accuracy of the facts the expert relied upon as well as other surrounding circumstances. The expert opinion may be accepted or rejected, in whole or in part. St. Luke's Hosp. v. Gray, 604 N.W.2d 646 (Iowa 2000); IBP, Inc. v. Harpole, 621 N.W.2d 410 (Iowa 2001); Dunlavy v. Economy Fire and Cas. Co., 526 N.W.2d 845 (Iowa 1995). Miller v. Lauridsen Foods, Inc., 525 N.W.2d 417 (Iowa 1994). Unrebutted expert medical testimony cannot be summarily rejected. Poula v. Siouxland Wall & Ceiling, Inc., 516 N.W.2d 910 (Iowa App. 1994).

When an expert's opinion is based upon an incomplete or incorrect history, it is not necessarily binding on the commissioner or the court. It is then to be weighed, together with other facts and circumstances, the ultimate conclusion being for the finder of the fact. Musselman v. Central Telephone Company, 154 N.W.2d 128 (Iowa 1967); Bodish v. Fischer, Inc., 257 Iowa 521, 133 N.W.2d 867 (1965). The commissioner as trier of fact has the duty to determine the credibility of the witnesses and to weigh the evidence, together with the other disclosed facts and circumstances, and then to accept or reject the opinion. Dunlavy v. Economy Fire and Casualty Co., 526 N.W.2d 845 (Iowa 1995).

Based on the above findings of fact, I conclude that Mr. Hutchens failed to meet his burden of proof to show he sustained an injury that arose out of and in the course of his employment with Fisher Controls. Dr. Shah was the only medical provider to causally relate Mr. Hutchens' right shoulder and right carpal tunnel symptoms to his employment at Fisher Controls. However, Dr. Shah's opinion is not entitled to any weight as it relied on an incomplete medical history and an unsupported job description. Claimant shall take nothing from these proceedings.

Mr. Hutchens is seeking reimbursement for his IME with Dr. Shah. A claimant's right to reimbursement for an IME exam is controlled by Iowa Code section 85.39. This section permits an employee to be reimbursed for a subsequent examination by a physician of the employee's choice where an employer-retained physician has previously evaluated "permanent disability" and the employee believes that the initial evaluation is too low. Iowa Code section 85.39(2)(2019). However, this right to reimbursement is also dependent upon the claimant's success at hearing. Iowa Code section 85.39(2), states,

An employer is only liable to reimburse an employee for the cost of an examination conducted pursuant to this subsection if the injury for which the employee is being examined is determined to be compensable under this chapter or chapter 85A or 85B. An employer is not liable for the cost of such an examination if the injury for which the employee is being examined is determined not to be a compensable injury.

Id.

Defendants are not liable for this claim and did not obtain a corresponding medical causation and/or impairment rating prior to Dr. Shah's 2021 evaluation. Claimant has not established the prerequisites for reimbursement of Dr. Shah's evaluation pursuant to Iowa Code section 85.39.

Claimant also asserts a claim for costs. Costs are assessed at the discretion of the agency. Iowa Code section 86.40. Given that the claimant failed to prove a compensable claim, I conclude that none of his costs should be assessed. I conclude that each party should bear its own costs.

ORDER

THEREFORE, IT IS ORDERED:

Claimant shall take nothing from these proceedings.

Each party shall bear their own costs.

Signed and filed this 18th day of August, 2022.

A handwritten signature in black ink, reading "Amanda Rutherford", written over a horizontal line.

AMANDA R. RUTHERFORD
DEPUTY WORKERS'
COMPENSATION COMMISSIONER

The parties have been served, as follows:

James Hoffman (via WCES)

Stephanie Techau (via WCES)

Joe Quinn (via WCES)

Right to Appeal: This decision shall become final unless you or another interested party appeals within 20 days from the date above, pursuant to rule 876-4.27 (17A, 86) of the Iowa Administrative Code. The notice of appeal must be filed via Workers' Compensation Electronic System (WCES) unless the filing party has been granted permission by the Division of Workers' Compensation to file documents in paper form. If such permission has been granted, the notice of appeal must be filed at the following address: Workers' Compensation Commissioner, Iowa Division of Workers' Compensation, 150 Des Moines Street, Des Moines, Iowa 50309-1836. The notice of appeal must be received by the Division of Workers' Compensation within 20 days from the date of the decision. The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or legal holiday.