

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

CARLOS CALDERON,

Claimant,

vs.

ARCHER DANIELS MIDLAND CO. INC.,

Employer,

Self-Insured,

Defendant.

File No. 5063681

A P P E A L

D E C I S I O N

Head Notes: 1402.40; 1803; 1803.1; 2502;
2907; 5-9998

Claimant Carlos Calderon appeals from an arbitration decision filed on August 6, 2019. Defendant Archer Daniels Midland Company, Inc., self-insured employer, responds to the appeal. The case was heard on June 5, 2019, and it was considered fully submitted in front of the deputy workers' compensation commissioner at the conclusion of the arbitration hearing.

The deputy commissioner found claimant failed to carry his burden of proof to establish his June 3, 2014, work-related burn injury resulted in permanent disability. The deputy commissioner found claimant is not entitled to receive permanent disability benefits for the work injury. The deputy commissioner found that pursuant to Iowa Code section 85.39, claimant is entitled to receive reimbursement from defendant for the cost of the independent medical examination (IME) of claimant performed by Sunil Bansal, M.D., on April 19, 2019. The deputy commissioner 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 prove he sustained permanent disability as a result of the work injury. Claimant asserts it should be found on appeal that he sustained industrial disability or, in the alternative, claimant asserts it should be found he sustained permanent scheduled member disability of his leg.

Defendant asserts on appeal that the arbitration decision should be affirmed in its entirety.

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 August 6, 2019, which relate to the issues properly raised on intra-agency appeal.

I find the deputy commissioner provided a well-reasoned analysis of all 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 prove he sustained permanent disability as a result of the June 3, 2014, work injury. I affirm the deputy commissioner's finding that claimant is not entitled to receive permanent disability benefits for the work injury. I affirm the deputy commissioner's finding that claimant is entitled to receive reimbursement from defendant for the cost of Dr. Bansal's 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 August 6, 2019, is affirmed in its entirety.

Claimant shall take nothing in the way of permanent disability benefits.

Defendant shall reimburse claimant for the costs associated with Dr. Bansal's IME.

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.

Pursuant to rule 876 IAC 3.1(2), defendant shall file subsequent reports of injury as required by this agency.

Signed and filed on this 30th day of June, 2020.

Joseph S. Cortese II

JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

The parties have been served as follows:

William J. Bribresco (via WCES)

Mark A. Woollums (via WCES)

Paul M. Powers (via WCES)