

DAVID LOWELL EVENSON,	:	
Claimant,	:	
vs.	:	
WINNEBAGO INDUSTRIES, INC.,	:	File No. 5038367
Employer,	:	A P P E A L
and	:	D E C I S I O N
SENTRY INSURANCE COMPANY,	:	
Insurance Carrier,	:	Head Note No.: 1803
Defendants.	:	

Claimant asserts on cross-appeal that the presiding deputy erred as to claimant's gross-earnings and in the calculation of the weekly compensation rate

resulting from a failure to include certain investment contributions, erred as to the length of claimant's healing period, erred in failing to make a more specific ruling as to temporary benefits, penalty benefits, and interest, erred as to the commencement and termination dates of permanent partial disability benefits, erred as to the extent of the penalty assessment, and finally erred as to the findings as to reimbursement for section 85.39 examination costs. Defendants assert that the deputy did not err in determining claimant's gross-earning, did not err in denying healing period benefits from September 3, 2010 to October 6, 2010, did not err as to the commencement and termination dates for permanent partial disability benefits, did not err as to the extent of a penalty assessment, and did not err in limiting the amount of reimbursement for the IME costs. Defendants concede that if the award of the presiding deputy commissioner is affirmed on appeal that they do not disagree with claimant's specific calculations for healing period benefits, temporary partial disability benefits, principle/interest owed, and penalties assessed.

The arguments of the parties have been considered and the record of evidence has been reviewed de novo.

Pursuant to Iowa Code sections 86.24 and 17A.15, I affirm and adopt as the final agency decision those portions of the proposed arbitration decision filed on August 21, 2012 that relate to issues properly raised on intra-agency appeal. The calculations of claimant as to healing period benefits, temporary partial disability benefits, principle/interest owed, and penalties assessed are adopted as if fully set forth herein.

ORDER

IT IS THEREFORE ORDERED that the arbitration decision of August 21, 2012 is AFFIRMED with the following additional orders:

Defendants shall reimburse claimant healing period benefits, temporary partial disability benefits, principle/interest owed, and penalty benefits as calculated by claimant and as stipulated by defendant upon the affirmance of the award of the presiding deputy commissioner.

The parties shall share equally in the costs of the appeal, including the preparation of the hearing transcript.

Signed and filed this 2nd day of August, 2013.

CHRISTOPHER J. GODFREY
WORKERS' COMPENSATION
COMMISSIONER

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