

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

DONNA TRIPP,

Claimant,

vs.

CATHOLIC HEALTH INITIATIVES,

Employer,

and

INDEMNITY INSURANCE COMPANY  
OF NORTH AMERICA,

Insurance Carrier,  
Defendants.

**FILED**

**MAY 30 2018**

**WORKERS' COMPENSATION**

File No. 5053166

A P P E A L

D E C I S I O N

Head Note Nos: 1803, 2501, 2701

Defendants Catholic Health Initiatives, employer, and its insurer, Indemnity Insurance Company of North America, appeal from an arbitration decision filed on November 16, 2016. Claimant Donna Tripp responds to the appeal. The case was heard on June 1, 2016, and it was considered fully submitted in front of the deputy workers' compensation commissioner on June 30, 2016.

The deputy commissioner found claimant sustained 50 percent industrial disability as a result of the stipulated injury which arose out of and in the course of claimant's employment with defendant-employer on January 24, 2014, which entitles claimant to receive 250 weeks of permanent partial disability (PPD) benefits, commencing on October 6, 2014. The deputy commissioner found claimant is entitled to receive ongoing medical treatment for the work injury from Ai Huong Phu, M.D. The deputy commissioner also ordered defendants to pay claimant's costs of the arbitration proceeding in the amount of \$2,839.00.

Defendants assert on appeal that the deputy commissioner erred in finding claimant sustained 50 percent industrial disability as a result of the work injury. Defendants assert the award for industrial disability should be reduced substantially.

Claimant 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.

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 17A.5 and 86.24, I affirm and adopt as the final agency decision those portions of the proposed arbitration decision filed on November 16, 2016, which relate to the issues properly raised on intra-agency appeal.

I find the deputy commissioner provided sufficient analysis 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 sustained 50 percent industrial disability as a result of the work injury. I affirm the deputy commissioner's finding that claimant is entitled to receive ongoing medical treatment for the work injury from Dr. Phu. I affirm the deputy commissioner's order that defendants pay claimant's costs of the arbitration proceeding in the amount of \$2,839.00. I affirm the deputy commissioner's findings, conclusions and analysis regarding those issues.

#### ORDER

IT IS THEREFORE ORDERED that the arbitration decision filed on November 16, 2016, is affirmed in its entirety.

Defendants shall pay claimant two hundred fifty (250) weeks of permanent partial disability benefits at the stipulated weekly benefit rate of five hundred sixteen and 79/100 dollars (\$516.79) commencing on October 6, 2014.

Defendants shall receive a credit for all benefits previously paid.

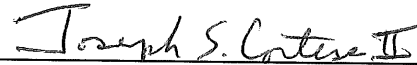
Defendants shall pay accrued weekly benefits in a lump sum together with interest at the rate of ten percent for all weekly benefits payable and not paid when due which accrued before July 1, 2017, and all interest on past due weekly compensation benefits accruing on or after July 1, 2017, shall be payable at an annual rate equal to the one-year treasury constant maturity published by the federal reserve in the most recent H15 report settled as of the date of injury, plus two percent. See Gamble v. AG Leader Technology, File No. 5054686 (App. Apr. 24, 2018).

Defendants shall provide ongoing medical treatment for claimant with Ai Huong Phu, M.D.

Pursuant to rule 876 IAC 4.33, defendants shall pay claimant's costs of the arbitration proceeding in the amount of \$2,839.00, and defendants shall pay the costs of the appeal, including the cost of the hearing transcript.

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

Signed and filed on this 30<sup>th</sup> day of May, 2018.



---

JOSEPH S. CORTESE II  
WORKERS' COMPENSATION  
COMMISSIONER

Copies To:

Ryan T. Beattie  
Attorney at Law  
4300 Grand Ave.  
Des Moines, IA 50312-2426  
[ryan.beattie@beattielawfirm.com](mailto:ryan.beattie@beattielawfirm.com)

Kent M. Smith  
Attorney at Law  
1225 Jordan Creek Pkwy., Ste. 108  
West Des Moines, IA 50266-0036  
[ksmith@scheldruplaw.com](mailto:ksmith@scheldruplaw.com)