

## BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

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WILLIAM STONEHOUSE, JR.,

Claimant,

vs.

NCI/CORNERSTONE BUILDING  
BRANDS,

Employer,

and

LIBERTY INSURANCE CORP.,

Insurance Carrier,  
Defendants.

File No. 19006810.01

A P P E A L

D E C I S I O N

: Head Notes: 1402.20; 1402.40; 1803; 1804;  
: 2907; 5-9998

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Defendants NCI/Cornerstone Building Brands, employer, and its insurer, Liberty Insurance Corporation, appeal from an arbitration decision filed on September 22, 2021. Claimant William Stonehouse, Jr., cross-appeals. The case was heard on February 9, 2021, and it was considered fully submitted in front of the deputy workers' compensation commissioner on March 2, 2021.

In the arbitration decision, the deputy commissioner found that as a result of the stipulated work injury which occurred on December 6, 2019, claimant sustained 60 percent industrial disability, which entitles claimant to receive 300 weeks of permanent partial disability (PPD) benefits commencing on August 17, 2020. The deputy commissioner ordered defendants to pay claimant's costs of the arbitration proceeding.

Defendants assert on appeal that the deputy commissioner erred in finding claimant sustained 60 percent industrial disability as a result of the work injury. Defendant asserts the award for industrial disability should be reduced substantially.

Claimant asserts on cross-appeal that the deputy commissioner erred in finding claimant is not permanently and totally disabled as a result of the work injury. In the alternative, claimant asserts the award of 60 percent industrial disability should be affirmed.

Those portions of the proposed arbitration 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 22, 2021, 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 sustained 60 percent industrial disability as a result of the work injury. I affirm the deputy commissioner's finding that claimant is not permanently and totally disabled as a result of the work injury. I affirm the deputy commissioner's order that defendants pay claimant's costs of the arbitration proceeding.

I affirm the deputy commissioner's findings, conclusions and analysis regarding the above-stated issues.

#### ORDER

IT IS THEREFORE ORDERED that the arbitration decision filed on September 22, 2021, is affirmed in its entirety.

Defendants shall pay claimant three hundred (300) weeks of permanent partial disability benefits at the weekly rate of one thousand seventy-six and 12/100 dollars (\$1076.12) commencing on August 17, 2020.

Defendants shall receive credit for all benefits previously paid.

Defendants shall pay accrued weekly benefits in a lump sum together with interest 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, as required by Iowa Code section 85.30.

Pursuant to rule 876 IAC 4.33, defendants shall pay claimant's costs of the arbitration proceeding, and the parties shall split 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 1<sup>st</sup> day of April, 2022.

*Joseph S. Cortese II*

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JOSEPH S. CORTESE II  
WORKERS' COMPENSATION  
COMMISSIONER

The parties have been served as follows:

James Hoffman (via WCES)

Stephen Spencer (via WCES)