

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

SHANE W. ALLEN,

Claimant,

vs.

AG PROCESSING, INC.,

Employer,

and

ESIS, INC.,

Insurance Carrier,
Defendants.

FILED

SEP 05 2018

WORKERS COMPENSATION

File No. 5040225

MEMORANDUM ON

ALTERNATE MEDICAL CARE

HEAD NOTE NO: 2701

Claimant Shane Allen filed a petition for arbitration on March 12, 2012, alleging he sustained an injury while working for the defendant, Ag Processing, Inc. on February 1, 2009. An arbitration decision was issued on October 23, 2013, awarding Allen 250 weeks of permanent partial disability benefits commencing on November 28, 2007, and denying Allen's request for alternate medical care, finding the record did not support the defendants had failed to provide reasonable care. Defendants appealed the decision and the Workers' Compensation Commissioner modified the award, awarding Allen 200 weeks of permanent partial disability benefits commencing on November 28, 2007. Allen appealed to the Iowa District Court for Polk County. The court affirmed the decision of the Workers' Compensation Commissioner and dismissed Allen's petition for judicial review on December 29, 2014. Allen filed a review-reopening petition on January 3, 2017. The matter is scheduled for hearing on September 27, 2018.

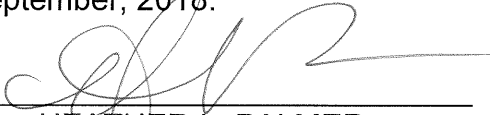
On August 23, 2018, Allen filed an application for alternate medical care under Iowa Code section 85.27 and rule 876 IAC 4.48. A hearing was held on September 5, 2018. All parties were given proper notice.

The hearing was recorded via a digital voice recorder and a complete decision was dictated into the record on the day of the hearing. The decision will be reproduced in typewritten form only if the decision is appealed, and the parties are advised to follow the procedures outline under the Iowa Administrative Code. Any rights of appeal will run from the date the decision was dictated into the record.

The deputy workers' compensation commissioner ordered Allen's application for alternate medical care be denied. That decision was rendered orally on September 5, 2018.

Pursuant to a standing order of delegation of authority by the Workers' Compensation Commissioner, pursuant to Iowa Code section 86.3, the undersigned enters this decision for the Workers' Compensation Commissioner. There is no right of appeal of this decision to the Workers' Compensation Commissioner. Appeal of this decision, if any, would be by judicial review pursuant to Iowa Code section 17A.19.

Signed and filed this 5th day of September, 2018.


HEATHER L. PALMER
DEPUTY WORKERS'
COMPENSATION COMMISSIONER

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HLP/srs