

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

ANWAR MOHAMED,

Claimant,

vs.

JBS SWIFT,

Employer,

and

ZURICH INSURANCE,

Insurance Carrier,  
Defendants.

**FILED**

APR 17 2015

**WORKERS COMPENSATION**

File No. 5049354

MEMORANDUM OF DECISION

ON ALTERNATE

MEDICAL CARE

HEAD NOTE NO: 2701

Claimant filed a petition seeking alternate medical care. A telephonic hearing on this petition was held on April 15, 2015. All parties were given proper notice and were aware that the undersigned has been delegated final agency decision authority in this proceeding.

This medical care dispute arose over care being given by defendants as a result of a work injury on or about November 14, 2014 and a right shoulder condition arising from that injury, liability and responsibility for which is admitted and assumed by defendants. The entire hearing was recorded by a digital voice recorder. A detailed decision containing findings of fact and conclusions of law was dictated into the record on the date of the hearing. This decision will not be reproduced in typewritten form unless there is an appeal from this decision at which time the procedures under the administrative code are to be followed. Any rights of appeal will run from the date the decision was dictated into the record and this memorandum is solely for the purpose of the agency file. At hearing, defendants moved to dismiss the petition as moot because the petition was based on a medical restriction by the authorized physician that claimant is not to drive an automobile, and that restriction has now been lifted. Claimant responds that while petition was based on this restriction and that restriction has been lifted, claimant is seeking a remedy for defendants' failure to provide a medical benefit (i.e. transportation), which occurred prior to the lifting of the restriction.

Although the disputed issue is moot, claimant is seeking relief from past conduct by defendants, not current conduct. I do not have subject matter jurisdiction to deal with

issues of entitlement to past medical benefits. Such issues are to be raised and determined under regular procedure, not the special alternate medical care procedure provided for in our administrative rule, 876 IAC 4.48.

Therefore, the alternate medical care petition filed on April 3, 2015 was dismissed without prejudice.

Signed and filed this 17<sup>th</sup> day of April, 2015.



LARRY WALSHIRE  
DEPUTY WORKERS'  
COMPENSATION COMMISSIONER

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