

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

LAURIE TAYLOR,

Claimant,

vs.

IOWA STATE UNIVERSITY
EXTENSION AND OUTREACH
WOODBURY COUNTY
AGRICULTURAL EXTENSION
DISTRICT OFFICE,

Employer,

and

ACCIDENT FUND INSURANCE
COMPANY OF AMERICA,

Insurance Carrier,
Defendants.

File No. 5058624

A P P E A L

D E C I S I O N

Head Note Nos: 1402.50; 2801, 2802;
5-9998

Claimant Laurie Taylor appeals from an arbitration decision filed on November 19, 2018. Defendants Iowa State University Extension and Outreach Woodbury County Agricultural Extension District Office, employer, and its insurer, Accident Fund Insurance Company of America, respond to the appeal. The case was heard on October 1, 2018, and it was considered fully submitted in front of the deputy workers' compensation commissioner on October 26, 2018.

The deputy commissioner found claimant is barred from any recovery in this matter for the May 14, 2015, work-related injury because the deputy commissioner found defendants carried their burden of proof to establish their affirmative defense that claimant failed to provide defendants with notice of the work injury within 90 days after it occurred. The deputy commissioner found claimant did not provide defendants with notice of the May 14, 2015, work injury until March of 2017, nearly two years after the work injury occurred. The deputy commissioner awarded claimant nothing for the May 14, 2015, work injury.

Claimant asserts on appeal that the deputy commissioner erred in finding defendants carried their burden of proof to establish claimant failed to provide notice of the May 14, 2015, work injury within 90 days after the injury occurred. Claimant asserts the deputy commissioner erred in failing to award claimant weekly workers'

TAYLOR V. IOWA STATE UNIVERSITY EXTENSION AND OUTREACH WOODBURY
COUNTY AGRICULTURAL EXTENSION DISTRICT OFFICE

Page 2

compensation benefits, requested past medical expenses, future medical care, and court costs for the work injury.

Defendants assert 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.

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 November 19, 2018, which relate to the issues properly raised on intra-agency appeal.

I find the deputy commissioner provided a well-reasoned analysis of all 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 is barred from any recovery in this matter for the May 14, 2015, work injury because I affirm the deputy commissioner's finding that defendants carried their burden of proof to establish their affirmative defense that claimant failed to provide defendants with notice of the work injury within 90 days after it occurred. I affirm the deputy commissioner's finding that claimant is entitled to receive nothing for the May 14, 2015, work injury.

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 19, 2018, is affirmed in its entirety.

Claimant shall take nothing from these proceedings.

Pursuant to rule 876 IAC 4.33, the parties shall pay their own costs of the arbitration proceeding, and claimant 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 28th day of January, 2020.

Joseph S. Cortese II

JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

The parties have been served as follows:

Harold K. Widdison Via WCES

Lindsey E. Mills Via WCES