

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

MICHAEL THEODORE KISSINGER,

Claimant,

vs.

AMERICAN ORDNANCE,

Employer,

and

NEW HAMPSHIRE INS. CO.,

Insurance Carrier,
Defendants.

FILED

APR 30 2015

WORKERS COMPENSATION

File No. 5048392

ARBITRATION DECISION

Head Note Nos.: 1108.50, 1801, 1803

STATEMENT OF THE CASE

Michael Kissinger, claimant, filed a petition in arbitration seeking workers' compensation benefits from American Ordnance, employer, and New Hampshire Insurance Company, Inc. Hearing was held on March 23, 2015.

Claimant was the only witness testifying live at trial. The evidentiary record also includes joint exhibits A-U. The parties submitted a hearing report at the commencement of the evidentiary hearing. On the hearing report, the parties entered into certain stipulations. Those stipulations are accepted and relied upon in this decision. No findings of fact or conclusions of law will be made with respect to the parties' stipulations.

The parties did not request the opportunity for post-hearing briefs. However, a transcript was requested by the undersigned and submitted on April 3, 2015.

ISSUES

The parties submitted the following issues for resolution:

1. Whether the shoulder surgery of February 7, 2014, was necessitated by the work injury of August 20, 2013.
2. Claimant's entitlement to temporary weekly benefits.

3. Payment of past medical expenses.
4. The extent of industrial disability, if any, sustained by the claimant.
5. Whether under Iowa Code section 85.39 defendants are responsible for the independent medical evaluation (IME).

FINDINGS OF FACT

The undersigned, having considered all of the evidence and testimony in the record, finds:

Mr. Kissinger sustained a work injury to his right shoulder on August 20, 2013. The injury caused his present shoulder condition and the need for his shoulder surgery. I further find that as a result of the work injury, Mr. Kissinger is entitled to additional temporary weekly benefits, industrial disability benefits, payment of past medical expenses, and reimbursement of an IME.

At hearing, Mr. Kissinger testified that he is right-handed. Prior to the August 20, 2013, right shoulder injury he had never seen a doctor for his right shoulder or had any limitations placed on the use of his right shoulder.

Mr. Kissinger underwent two physical examinations at the time he was hired at American Ordnance. One of the exams included a physical capacity profile. (Exhibit U) At American Ordnance Mr. Kissinger was originally hired for production because they did not have driving jobs available at that time. He was on the 20-millimeter projectile line. He was on pack-out and his duties were to assemble 40 milliliter grenade shells into a 32 link. His job required him to hold 32 rounds up and lay them a certain direction into a metal can and then seal and ship it. He testified that this was very repetitive work. He performed this work for 3 months and did not have any difficulty with his shoulder. Mr. Kissinger stopped performing this work because a driver position opened up.

As a driver for American Ordnance he was put on an oversize straight truck and then he worked his way up by seniority. His job included loading and unloading military explosives, warheads. All of his driving was done on site in Southeast Iowa on the private military reservation. Physically he was required to off-load and load the materials, which required lifting between 60 and 80 pounds. Prior to his injury he did not have any problems performing his duties. (Testimony)

On August 20, 2013, Mr. Kissinger was entering a secured yard when he got out of his truck to open a gate. He exited the truck, stepped down, and caught the edge of a pothole and rolled his ankle. He fell and landed hard on his elbow and then he collapsed on his shoulder. He testified his shoulder came up and hit him on the right side of his face. He knew he was hurt, but he also knew he had to secure the yard

before he could call for help. He was able to get up and secure the gate. He called dispatch for help once he returned to his truck. (Testimony)

Mr. Kissinger was taken to the on-site clinic at American Ordnance. Roger Nevling, the P.A., was not there that day so he was seen by a nurse. (Ex. A, pages2-5) In his deposition Mr. Kissinger testified he believed her name was Kathy. (Ex. H, p. 4) She cleaned up his elbow and then he was taken to see Dr. Kivlahan. (Ex. A, p. 2)

A right shoulder arthrogram was performed on August 26, 2013. The findings were consistent with a full-thickness rotator cuff tear. (Ex. B, p. 2) An MRI revealed mild degenerative change in the acromioclavicular joint and complete full thickness tears of the supraspinatus and infraspinatus tendons with retraction. (Ex. B, p. 4)

On September 3, 2013, Mr. Kissinger did see Roger Nevling, P.A., for the results of his elbow MRI. The elbow had degenerative changes, but no other damage noted. However, Mr. Nevling felt that although it was not seen on MRI, he did have some sort of muscle retraction either to the biceps or underlying muscle. He made an appointment for him to see Michael Hendricks, M.D. (Ex. A, p. 7)

On September 13, 2013, Mr. Kissinger was seen by Tracy Bell, M.D. He provided the history of the work injury and his subsequent treatment. Dr. Bell's assessment was rotator cuff tear, labral tear, biceps tendon labral junction injury, post-traumatic adhesive capsulitis. She prescribed physical therapy. She recommended waiting 4-6 weeks before having the rotator cuff repaired so the patient could discontinue tobacco chewing. (Ex. D, pp. 1-3) Mr. Kissinger followed up with Dr. Bell on October 4, 2013. It was decided that he would undergo rotator cuff repair the third week of October. (Ex. D, pp. 6-8)

However, before Mr. Kissinger could undergo the surgery he was sent for an IME at the defendants' request. On November 19, 2013, Abdul Foad, M.D., performed an IME of Mr. Kissinger and subsequently issued a report to the defendants. It was Dr. Foad's opinion that Mr. Kissinger had a "chronic pre-existing right shoulder rotator cuff arthropathy with fatty infiltration and muscle atrophy." (Ex. F, p. 2) He further stated that the August 20, 2013, injury was a "temporary aggravation to his pre-existing condition but it would not have aggravated the pre-existing condition beyond normal progression." (Ex. F, pp. 2-3) He did not believe that the work injury was a substantial contributing factor to Mr. Kissinger's current right shoulder condition. He believes that Mr. Kissinger's condition associated with the reported work injury had resolved. He opined that any continued complaints and treatments are related to the pre-existing condition. He did not believe Mr. Kissinger sustained any pathology as a result of the work injury. He felt Mr. Kissinger did not require any additional treatment for the work injury. He stated that the films demonstrated that Mr. Kissinger had fatty infiltration and muscle and tendon degeneration before the work injury. He felt Mr. Kissinger had reached maximum medical improvement (MMI) for the work injury. (Ex. F)

On November 26, 2013, Mr. Kissinger again saw Mr. Nevling, who was in possession of a recent IME report from Dr. Foad. Based on Dr. Foad's opinion that the patient had sustained substantial shoulder injuries prior to his work at American Ordnance, Mr. Kissinger was placed at MMI. He was instructed to follow-up with his personal physician for further care. (Ex. A, p. 10)

On January 29, 2014, Mr. Kissinger saw Dr. Hendricks, a board-certified orthopaedic surgeon. He reported that his symptoms started gradually, but became acutely worse on August 20, 2013 due to a fall. The assessment was rotator cuff tear, right shoulder, including possibly subscapularis tendon. Arthroscopy and possible open rotator cuff repair were recommended. (Ex. D, pp. 9-13)

On January 30, 2014, Dr. Hendricks issued a statement indicating that it was important that Mr. Kissinger's surgical repair take place promptly. He also stated that "[a]lthough Mr. Kissinger may have had some prior degenerative changes in his right shoulder, it is clear to me that the substantial contributing factor to his current condition and need for surgery was the work-related injury of August 20, 2013." (Ex. D, p.14) He further stated that the August 20, 2013 injury "either created the injury or aggravated the underlying condition to the point where he is now left with chronic pain and limited function that needs treatment with surgery." (Ex. D, p. 15)

Mr. Kissinger underwent extensive right shoulder surgery on February 7, 2014. (Ex. E, pp. 1-4) According to the operative report, Mr. Kissinger had a complete rotator cuff tear. He also had a posterior labral tear, SLAP, impingement syndrome and degenerative joint disease of the acromioclavicular joint. (Ex. E, p. 1) Following surgery he continued to follow-up with Dr. Hendricks. On May 21, 2014, Mr. Kissinger demonstrated full range of motion. He was released to return to full duty work. (Ex. D, pp. 30-35)

He returned to see Dr. Hendricks on August 13, 2014. He reported occasional pain in the morning and some weakness. The notes also indicate right little finger trigger finger. The assessment was right rotator cuff tear with subsequent tear. He was to continue with home exercise program and follow-up in six weeks. (Ex. D, pp. 36-39) On September 24, 2014, Mr. Kissinger continued to have mild to moderate symptoms. He rated his pain as 5/10. Dr. Hendricks noted gradual and consistent improvement. According to the notes, Dr. Hendricks explained that with a chronic rotator cuff tear it could take a while before his strength returned. (Ex. D, pp. 39-41)

On December 4, 2014, Dr. Hendricks wrote to claimant's counsel. Dr. Hendricks noted that on February 7, 2014, Mr. Hendricks "underwent rotator cuff repair with allograft supplementation due to the size of the rotator cuff tear, subacromial decompression, AC joint resection, arthroscopic debridement of a partial labral tear posteriorly and debridement of a SLAP lesion." (Ex. D, p. 46) Dr. Hendricks opined that Mr. Kissinger sustained seven percent whole person impairment due to the work injury. (Ex. D, p. 46)

On December 23, 2014, Mr. Kissinger saw Theron Q. Jameson, D.O., for an IME at his attorney's request. Based on his review of records and examination of Mr. Kissinger, Dr. Jameson issued a report. (Ex. G) It is Dr. Jameson's opinion that the work injury was a substantial contributing factor to Mr. Kissinger's right shoulder condition and need for surgery. He believes that his condition was aggravated by the work injury. Dr. Jameson explained:

While Mr. Kissinger had a retracted rotator cuff tendon tear with atrophy and fatty infiltration in the musculature of the rotator cuff, he was functioning in his job without restrictions and had no prior right shoulder treatment for weakness and pain prior to 08/20/2013. While he may indeed have had these findings on the MRI, which may indicate a preexisting condition, this does not account for the fact that Mr. Kissinger functioned normally prior to the 08/20/2013 injury in regards to his right shoulder. He was working without restrictions. He had no previous right shoulder pain or treatment prior to 08/20/2013. Dr. Foad's 11/19/2013 independent medical examination does not account for this.

(Ex. G, p. 5)

It is Dr. Jameson's opinion that Mr. Kissinger sustained 11 percent whole person impairment as a result of the injury. (Ex. G, p. 6) Dr. Jameson did not address the issue of restrictions.

Mr. Kissinger continued to follow-up with Dr. Hendricks. The last note in the record is dated January 19, 2015. At that time, his right shoulder symptoms were intermittent and regarded as mild. The notes indicate he was improving. He was to continue his home exercise program and return to the office in three months. (Ex. D, pp. 50-52)

The central dispute in this matter is whether the work injury that Mr. Kissinger sustained to his right shoulder on August 20, 2013, necessitated his shoulder surgery on February 7, 2014. In the present case we turn to the opinions of the three experts who have weighed in on the issue of causation.

The first to render a causation opinion in this matter was Dr. Foad. Dr. Foad was hired by the defendants in this matter to issue a one-time opinion. Dr. Foad saw Mr. Kissinger in November of 2013. It was Dr. Foad's opinion that Mr. Kissinger's work injury was merely a temporary aggravation of a pre-existing condition and that he did not sustain any pathology as a result of the work injury. (Ex. F) Unfortunately, Dr. Foad fails to explain how there is no pathology from the injury yet Mr. Kissinger required surgery and has ongoing symptoms in his right shoulder that he did not have prior to the injury. Dr. Foad's opinion is not consistent with the other experts in this file and does not fit with the medical picture as a whole. For these reasons, I find that Dr. Foad's opinions are not persuasive.

Second, we turn to the opinion of the treating orthopedic surgeon, Dr. Hendricks has stated "[a]lthough Mr. Kissinger may have had some prior degenerative changes in his right shoulder, it is clear to me that the substantial contributing factor to his current condition and need for surgery was the work-related injury of August 20, 2013." (Ex. D, p.14) He further stated that the August 20, 2013 injury "either created the injury or aggravated the underlying condition to the point where he is now left with chronic pain and limited function that needs treatment with surgery." (Ex. D, p. 15) Dr. Hendricks treated Mr. Kissinger over a long period of time and is the one expert in this matter who has personally seen the inside of Mr. Kissinger's shoulder and the damage that was found there. Also, it is important to note that Dr. Hendricks was originally selected by the defendants to treat Mr. Kissinger. However, once the defendants' solicited the opinion of Dr. Foad additional treatment was denied. Mr. Kissinger testified that he returned to Dr. Hendricks to receive treatment on his own because he had already seen Dr. Hendricks and he already had a plan in place. Because Dr. Hendricks was originally selected by the defendants, it is difficult to argue that his opinion would somehow be biased towards the claimant. Additionally, the opinions of Dr. Hendricks are logical and fit with the medical picture as a whole. For these reasons, I find the opinions of Dr. Hendricks to be persuasive; his opinions are given great weight.

The final causation opinion in this matter is from Dr. Jameson, who was hired by claimant's counsel for a one-time evaluation. Dr. Jameson opined that the work injury was a substantial contributing factor to claimant's right shoulder condition and his need for surgery. He explained that although Mr. Kissinger had pre-existing right shoulder conditions, he was able to function in his job without restrictions or treatment prior to the work injury. Dr. Jameson's opinion is consistent with Dr. Hendrick's opinion and the evidence as a whole. I find Dr. Jameson's opinion regarding causation to be logical and persuasive.

Based on the opinions of Dr. Hendricks and Dr. Jameson I find that the work injury of August 20, 2013, was a substantial factor in causing claimant's right shoulder condition and the need for the February 7, 2014 surgery. Therefore, I find claimant's right shoulder injury and need for surgery arose out of and in the course of his employment with American Ordnance and is compensable.

Claimant is seeking payment of temporary benefits. Defendants dispute that claimant is entitled to temporary benefits. However, defendants admit if they are responsible for the shoulder surgery then they are also responsible for the temporary benefits asserted by claimant. Because I found defendants are responsible for the shoulder surgery, I further find defendants are liable for the temporary benefits sought by claimant. Specifically, I find claimant is entitled to temporary partial disability benefits from August 20, 2013 to January 27, 2014 and healing period benefits from January 28, 2014 to May 21, 2014. All weekly benefits shall be paid based on the stipulated weekly workers' compensation rate of \$448.64 per week.

We next turn to the issue of industrial disability. At the time of hearing Mr. Kissinger lived in Burlington, Iowa and was 59 years of age. He graduated from high school in 1973. He attended two years of college at the University of Nebraska at Omaha. However, due to poor grades he lost his scholarship and did not graduate. He has not received any additional training.

Mr. Kissinger's work history includes working as a correctional officer and dispatcher for the Des Moines County Sheriff's department for approximately 2 ½ years. He has also worked hauling drywall and steel on flatbeds; this was an over-the-road trucking job. He performed this work for about 9 years. He left this work for better pay with J.I. Case corporate fleet (CNH). At CNH, he loaded and unloaded delivery backhoes, equipment, bucket, and crawlers throughout the country. He worked there for approximately 10 years and was paid in the low 40s. Claimant next went to work for Ruan Transportation, originally driving flatbed and then he switched over to the van and tank division. He was downsized from that job in February of 2013. He was only on unemployment benefits for 1 month before he was hired at American Ordnance. (Testimony)

Mr. Kissinger testified that he enjoyed the driving and loading jobs that he performed for 30 years. While he was performing these driving jobs he was required to undergo a DOT physical every 2 years. Prior to the injury, he always passed those exams without limitations. He had a DOT examination on February 27, 2013. At that time, all of his body systems were found to be normal. He met the standards required for a 2 year certification. (Ex. N, pp. 1-4) (Testimony)

With regard to the functional impairment rating and restrictions, I find the opinion of Dr. Hendricks to be most persuasive. As noted above, Dr. Hendricks saw Mr. Kissinger over a long period of time and is the only expert in this case who saw the inside of his shoulder and the damage and repair that was done to the shoulder. Therefore, I find that Mr. Kissinger sustained seven percent whole person impairment. I further find that he was released to return to full duty work.

At hearing, Mr. Kissinger testified that he has constant pain in his right shoulder. By the end of the work day his pain increased. At the time of hearing, he took approximately 800 milligrams of ibuprofen per day. He does not take the ibuprofen on the weekends to give his stomach a break. The pain in his shoulder interferes with his ability to sleep. (Testimony) He testified that he currently does not have any specific restrictions placed on his activities from the doctors. He further testified that he does not want any restrictions because if he had restrictions he would lose his job.

With regard to his prior jobs he does not believe he could perform all aspects of many of those jobs. For example, for the Ruan trucking position he does not believe he could do the required tarping, chaining, and lifting. He also believes that his lack of sleep due to his shoulder pain would affect his ability to be an over-the-road truck driver. He also does not feel he could go back and do the production work he did for American

Ordnance because he does not think he could pass the required physical stress test due to his shoulder.

Since returning to work for American Ordnance after his surgery, Mr. Kissinger has not missed any work due to his shoulder. Approximately one month prior to the hearing Mr. Kissinger underwent a DOT exam and he still has his commercial license. Mr. Kissinger testified that he is not looking anywhere else for a job. (Testimony)

Considering claimant's age, employment background, educational background, ability to return to his pre-injury job, residual physical abilities, severity of his injury, his permanent impairment, motivation levels, and all other industrial disability factors identified and outlined by the Iowa Supreme Court, I find that Mr. Kissinger has sustained a 25 percent loss of future earning capacity as a result of the November 26, 2012, work injury

Claimant is also seeking medical expenses as set forth in Exhibit S. Because I found the work injury of August 20, 2013, was a substantial factor in causing claimant's right shoulder condition and the need for the February 7, 2014 surgery, I further find that defendants are responsible for treatment of the right shoulder injury, including the February 7, 2014 surgery. The charges set forth in Exhibit S appear to be related to the shoulder injury and surgery. Therefore, I find defendants are responsible for the charges set for in Exhibit S.

Mr. Kissinger is seeking reimbursement for the IME performed by Dr. Jameson on December 23, 2014. On November 19, 2013, Dr. Foad opined that Mr. Kissinger's condition associated with the work injury had resolved. Dr. Foad also stated that he did not believe Mr. Kissinger sustained any pathology as a result of the work energy. (Ex. F, p. 3) I find that Dr. Foad's November 19, 2013 report is the equivalent of a zero(0) percent impairment rating. Therefore, I find that the requirements of Iowa Code section 85.39 have been met and claimant is entitled to reimbursement for the IME in the amount of \$1,500.00.

CONCLUSIONS OF LAW

The claimant has the burden of proving by a preponderance of the evidence that the injury is a proximate cause of the disability on which the claim is based. A cause is proximate if it is a substantial factor in bringing about the result; it need not be the only cause. A preponderance of the evidence exists when the causal connection is probable rather than merely possible. George A. Hormel & Co. v. Jordan, 569 N.W.2d 148 (Iowa 1997); Frye v. Smith-Doyle Contractors, 569 N.W.2d 154 (Iowa App. 1997); Sanchez v. Blue Bird Midwest, 554 N.W.2d 283 (Iowa App. 1996).

The question of causal connection is essentially within the domain of expert testimony. The expert medical evidence must be considered with all other evidence introduced bearing on the causal connection between the injury and the disability.

Supportive lay testimony may be used to buttress the expert testimony and, therefore, is also relevant and material to the causation question. The weight to be given to an expert opinion is determined by the finder of fact and may be affected by the accuracy of the facts the expert relied upon as well as other surrounding circumstances. The expert opinion may be accepted or rejected, in whole or in part. St. Luke's Hosp. v. Gray, 604 N.W.2d 646 (Iowa 2000); IBP, Inc. v. Harpole, 621 N.W.2d 410 (Iowa 2001); Dunlavey v. Economy Fire and Cas. Co., 526 N.W.2d 845 (Iowa 1995). Miller v. Lauridsen Foods, Inc., 525 N.W.2d 417 (Iowa 1994). Unrebutted expert medical testimony cannot be summarily rejected. Poula v. Siouxland Wall & Ceiling, Inc., 516 N.W.2d 910 (Iowa App. 1994).

An employee is entitled to appropriate temporary partial disability benefits during those periods in which the employee is temporarily, partially disabled. An employee is temporarily, partially disabled when the employee is not capable medically of returning to employment substantially similar to the employment in which the employee was engaged at the time of the injury, but is able to perform other work consistent with the employee's disability. Temporary partial benefits are not payable upon termination of temporary disability, healing period, or permanent partial disability simply because the employee is not able to secure work paying weekly earnings equal to the employee's weekly earnings at the time of the injury. Section 85.33(2). For the reasons set forth above, I conclude claimant is entitled to temporary partial disability benefits from August 20, 2013 to January 27, 2014

Section 85.34(1) provides that healing period benefits are payable to an injured worker who has suffered permanent partial disability until (1) the worker has returned to work; (2) the worker is medically capable of returning to substantially similar employment; or (3) the worker has achieved maximum medical recovery. The healing period can be considered the period during which there is a reasonable expectation of improvement of the disabling condition. See Armstrong Tire & Rubber Co. v. Kubli, Iowa App., 312 N.W.2d 60 (1981). Healing period benefits can be interrupted or intermittent. Teel v. McCord, 394 N.W.2d 405 (Iowa 1986). In the present case, I conclude Mr. Kissinger is entitled to healing period benefits from January 28, 2014 to May 21, 2014.

Since claimant has an impairment to the body as a whole, an industrial disability has been sustained. Industrial disability was defined in Diederich v. Tri-City R. Co., 219 Iowa 587, 258 N.W. 899 (1935) as follows: "It is therefore plain that the legislature intended the term 'disability' to mean 'industrial disability' or loss of earning capacity and not a mere 'functional disability' to be computed in the terms of percentages of the total physical and mental ability of a normal man."

Functional impairment is an element to be considered in determining industrial disability which is the reduction of earning capacity, but consideration must also be given to the injured employee's age, education, qualifications, experience, motivation, loss of earnings, severity and situs of the injury, work restrictions, inability to engage in

employment for which the employee is fitted and the employer's offer of work or failure to so offer. McSpadden v. Big Ben Coal Co., 288 N.W.2d 181 (Iowa 1980); Olson v. Goodyear Service Stores, 255 Iowa 1112, 125 N.W.2d 251 (1963); Barton v. Nevada Poultry Co., 253 Iowa 285, 110 N.W.2d 660 (1961).

Compensation for permanent partial disability shall begin at the termination of the healing period. Compensation shall be paid in relation to 500 weeks as the disability bears to the body as a whole. Section 85.34.

The employer shall furnish reasonable surgical, medical, dental, osteopathic, chiropractic, podiatric, physical rehabilitation, nursing, ambulance, and hospital services and supplies for all conditions compensable under the workers' compensation law. The employer shall also allow reasonable and necessary transportation expenses incurred for those services. The employer has the right to choose the provider of care, except where the employer has denied liability for the injury. Section 85.27. Holbert v. Townsend Engineering Co., Thirty-second Biennial Report of the Industrial Commissioner 78 (Review-Reopening October 16, 1975).

For the reasons stated above, I found Mr. Kissinger sustained a 25 percent loss of industrial disability as a result of his August 20, 2013, work injury. Therefore, claimant is entitled to payment of 125 weeks or permanent partial disability benefits. The payment of the benefits shall commence on the stipulated date of May 21, 2014. The weekly benefits shall be paid at the stipulated weekly workers' compensation rate of \$448.64.

Claimant is seeking payment for past medical expenses. The employer shall furnish reasonable surgical, medical, dental, osteopathic, chiropractic, podiatric, physical rehabilitation, nursing, ambulance, and hospital services and supplies for all conditions compensable under the workers' compensation law. The employer shall also allow reasonable and necessary transportation expenses incurred for those services. The employer has the right to choose the provider of care, except where the employer has denied liability for the injury. Section 85.27. Holbert v. Townsend Engineering Co., Thirty-second Biennial Report of the Industrial Commissioner 78 (Review-Reopening October 1975). In the present case, for the reasons set forth above, I conclude defendants are responsible for the charges set forth in Exhibit S.

Section 85.39 permits an employee to be reimbursed for subsequent examination by a physician of the employee's choice where an employer-retained physician has previously evaluated "permanent disability" and the employee believes that the initial evaluation is too low. The section also permits reimbursement for reasonably necessary transportation expenses incurred and for any wage loss occasioned by the employee attending the subsequent examination. I found that the requirements of Iowa Code section 85.39 have been met and therefore defendants are responsible for the cost of the IME as set forth above.

ORDER

THEREFORE, IT IS ORDERED:

Defendants shall pay temporary partial disability benefits from August 20, 2013 to January 27, 2014.

Defendants shall pay healing period benefits from January 28, 2014 to May 21, 2014.

Defendants shall pay one hundred twenty-five (125) weeks of permanent partial disability benefits commencing on May 21, 2014.

All weekly benefits shall be paid based on the stipulated weekly workers' compensation rate of four hundred forty-eight and 64/100 dollars (\$448.64).

Defendants shall pay all accrued benefits in a lump sum.

Defendants shall pay interest as provided in Iowa Code section 85.30.


Defendants shall receive a credit for benefits paid to date.

Defendants are responsible for the medical expenses set forth in Exhibit S.

Defendants shall reimburse claimant for the cost of the IME as set forth above.

Defendants shall file subsequent reports of injury (SROI) as required by this agency pursuant to rules 876 IAC 3.1 (2) and 876 IAC 11.7.

Signed and filed this 30th day of April, 2015.


ERIN Q. PALS
DEPUTY WORKERS'
COMPENSATION COMMISSIONER

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Right to Appeal: This decision shall become final unless you or another interested party appeals within 20 days from the date above, pursuant to rule 876 4.27 (17A, 86) of the Iowa Administrative Code. The notice of appeal must be in writing and received by the commissioner's office within 20 days from the date of the decision. The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday. The notice of appeal must be filed at the following address: Workers' Compensation Commissioner, Iowa Division of Workers' Compensation, 1000 E. Grand Avenue, Des Moines, Iowa 50319-0209.