

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

BRETT CONNELLY,	:	File No. 5068507
Claimant,	:	A P P E A L
vs.	:	D E C I S I O N
CITY OF DES MOINES,	:	Head Notes: 1402.40; 1803; 2501; 2700;
Employer,	:	2907; 5-9998
Defendant.	:	

Claimant Brett Connelly appeals from an arbitration decision filed on July 21, 2020. Defendant City of Des Moines, self-insured employer, responds to the appeal. The case was heard on June 23, 2020, and it was considered fully submitted in front of the deputy workers' compensation commissioner on July 13, 2020.

In the arbitration decision, the deputy commissioner found claimant sustained permanent scheduled member functional disability of ten percent of the right leg, which entitles claimant to receive 22 weeks of permanent partial disability benefits as a result of the stipulated July 7, 2017, work injury. The deputy commissioner found defendant is not responsible for alternate or ongoing medical treatment for claimant's meralgia paresthetica condition because the deputy commissioner found claimant failed to carry his burden of proof to establish that condition is causally related to the work injury. Lastly, the deputy commissioner ordered defendant to pay claimant's costs of the arbitration proceeding in the amount of \$350.00.

On appeal, claimant asserts the deputy commissioner erred in finding claimant failed to prove his meralgia paresthetica condition is causally related to the work injury, and in finding claimant is not entitled to an award of alternate medical care for that condition. Claimant asserts the deputy commissioner erred in finding claimant sustained ten percent permanent impairment of the right leg as a result of the work injury. Claimant asserts the 22 percent impairment rating assessed by Jacqueline Stoken, D.O., more accurately reflects claimant's permanent disability.

Defendant asserts 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 performed a de novo review of the evidentiary record and the detailed arguments of the parties. I reach the same analysis, findings, and conclusions as those reached by the deputy commissioner. Pursuant to Iowa Code section 86.24 and 17A.15, I affirm and adopt as the final agency decision those portions of the proposed arbitration decision filed on July 21, 2020, which relate to the issues properly raised on intra-agency appeal.

I find the deputy commissioner provided a well-reasoned analysis 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 sustained permanent scheduled member functional disability of ten percent of the right lower extremity as a result of the work injury. I affirm the deputy commissioner's finding that claimant is not entitled to alternate medical care or ongoing treatment for his unrelated meralgia paresthetica condition. I affirm the deputy commissioner's order that defendant pay claimant's costs of the arbitration proceeding in the amount of \$350.00.

I affirm the deputy commissioner's findings, conclusions and analysis regarding those issues.

ORDER

IT IS THEREFORE ORDERED that the arbitration decision filed on July 21, 2020, is affirmed in its entirety.

Defendant shall pay claimant twenty-two (22) weeks of permanent partial disability benefits commencing on the stipulated commencement date of January 17, 2018, payable at the weekly rate of six hundred sixty-two and 55/100 dollars (\$662.55).

Defendant shall pay accrued weekly benefits in a lump sum together with interest 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.

Defendant shall receive credit for all benefits paid to date.

Pursuant to rule 876 IAC 4.33, defendant shall pay claimant's costs of the arbitration proceeding in the amount of three hundred fifty and no/100 dollars (\$350.00), and claimant shall pay the costs of the appeal, including the cost of the hearing transcript.

Pursuant to rule 876 IAC 3.1(2), defendant shall file subsequent reports of injury as required by this agency.

Signed and filed on this 6th day of January, 2021.

Joseph S. Cortese II

JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

The parties have been served as follows:

Nathaniel Boulton (via WCES)

Luke DeSmet (via WCES)