

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

LISA HAALAND,	:	
	:	
Claimant,	:	File No. 5062844
	:	
vs.	:	A P P E A L
	:	
TRINITY HEALTH CORPORATION d/b/a MERCY MEDICAL CENTER – NORTH IOWA,	:	D E C I S I O N
	:	
Employer,	:	Head Notes: 1100; 1402.30; 1801; 1803;
Self-Insured,	:	2501; 2502; 2907; 4000;
Defendant.	:	5-9998

Claimant Lisa Haaland appeals from an arbitration decision filed on January 2, 2019. Defendant Trinity Health Corporation d/b/a Mercy Medical Center – North Iowa, self-insured employer, responds to the appeal. The case was heard on November 3, 2017, and it was considered fully submitted in front of the deputy workers' compensation commissioner on December 15, 2017.

In the arbitration decision, the deputy commissioner found claimant failed to carry her burden of proof to establish she sustained a neurological injury arising out of and in the course of her employment with defendant. The deputy commissioner found claimant failed to prove her cervical condition was causally related to her work duties with defendant. The deputy commissioner found claimant failed to prove her left shoulder condition was causally related to her work duties with defendant. As such, no temporary, permanency, medical, or penalty benefits were awarded to claimant. Lastly, the deputy commissioner found claimant is not entitled to receive reimbursement from defendant for her independent medical examination (IME) or a taxation of claimant's costs.

On appeal, claimant asserts the deputy commissioner erred in failing to find claimant sustained any work-related injuries. Claimant asserts the deputy commissioner erred in failing to find claimant is entitled to receive temporary and permanency benefits, in addition to penalty benefits. Claimant also asserts the deputy commissioner erred in failing to find defendants are responsible for claimant's unpaid medical expenses and for the IME, and in failing to tax defendant with claimant's costs.

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 January 2, 2019, 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 failed to carry her burden of proof to establish she sustained a work-related injury. I affirm the deputy commissioner's finding that claimant failed to prove her cervical condition is causally related to her work duties with defendant. I affirm the deputy commissioner's finding that claimant failed to prove her left shoulder condition is causally related to her work duties with defendant. As such, I affirm the deputy commissioner's finding that claimant is entitled to take nothing in the way of temporary, permanency, medical, or penalty benefits. I affirm the deputy commissioner's finding that claimant is not entitled to receive reimbursement from defendant for her IME. I affirm the deputy commissioner's finding that claimant is not entitled to taxation against defendant of claimant's costs.

Some of the findings by the deputy commissioner in the arbitration decision were based on the deputy commissioner's findings regarding claimant's credibility and the credibility of witness Patricia Hill. While I performed a de novo review, I give considerable deference to findings of fact that are impacted by the credibility findings, expressly or impliedly made, by the deputy commissioner who presided at the arbitration hearing. I find the deputy commissioner correctly assessed the credibility of claimant and Ms. Hill in this matter. I find nothing in the record in this matter which would cause me to reverse the deputy commissioner's credibility findings.

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

ORDER

IT IS THEREFORE ORDERED that the arbitration decision filed on January 2, 2019, is affirmed in its entirety.

Claimant shall take nothing from these proceedings.

Pursuant to rule 876 IAC 4.33, claimant shall pay her 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), defendant shall file subsequent reports of injury as required by this agency.

Signed and filed on this 3rd day of March, 2020.

Joseph S. Cortese II

JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

The parties have been served as follows:

Erin M. Tucker

Lee P. Hook

Tyler Smith