

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

NORIE SMITH,

Claimant,

vs.

TPI IOWA, LLC,

Employer,

and

INSURANCE COMPANY OF THE
STATE OF PENNSYLVANIA,Insurance Carrier,
Defendants.

File No. 5067018

A P P E A L

D E C I S I O N

: Head Notes: 1402.40; 1402.60; 1403.10;
: 1803; 2501; 2907; 5-9998

Claimant Norie Smith appeals from an arbitration decision filed on February 7, 2022. Defendants TPI Iowa, LLC, employer, and its insurer, Insurance Company of the State of Pennsylvania, respond to the appeal. The case was heard on September 16, 2021, and it was considered fully submitted in front of the deputy workers' compensation commissioner on October 25, 2021.

In the arbitration decision, the deputy commissioner found claimant failed to carry her burden of proof to establish she sustained permanent disability as a result of the stipulated work injury which occurred on November 21, 2017. The deputy commissioner found the other issues raised in this matter are moot. The deputy commissioner ordered the parties to pay their own costs of the arbitration proceeding and to split the cost of the hearing transcript initially paid by defendants.

Claimant asserts on appeal that the deputy commissioner erred in finding claimant failed to prove she sustained permanent disability as a result of the work injury. Claimant asserts the deputy commissioner erred in finding the other issues raised in this matter are moot. Claimant asserts the deputy commissioner erred in failing to order defendants to reimburse claimant for her costs of the arbitration proceeding.

Defendants assert on appeal that the arbitration decision should be affirmed in its entirety.

Those portions of the proposed arbitration decision pertaining to issues not raised on appeal are adopted as 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 February 7, 2022, which relate to the issues properly raised on intra-agency appeal.

I find the deputy commissioner provided a well-reasoned analysis of all 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 prove she sustained permanent disability as a result of the work injury. I affirm the deputy commissioner's finding that the remaining issues raised in this matter are moot. I affirm the deputy commissioner's order that the parties pay their own costs of the arbitration proceeding. Because claimant failed to prevail on any issues raised in this matter, I order claimant to reimburse defendants for the portion of the cost of the hearing transcript initially paid by defendants.

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

ORDER

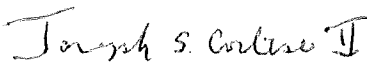
IT IS THEREFORE ORDERED that the arbitration decision filed on February 7, 2022, is affirmed in its entirety.

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, claimant shall reimburse defendants for that portion of the cost of the hearing transcript initially paid by defendants, and claimant shall pay any other costs of the appeal, if any.

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 11th day of July, 2022.



JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

The parties have been served as follows:

Erik Luthens (via WCES)

Timothy Wegman (via WCES)