

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

WILLIAM SHUKERS,

Claimant,

vs.

QUAKER OATS COMPANY,

Employer,

and

INDEMNITY INSURANCE COMPANY  
OF NORTH AMERICA,

Insurance Carrier,  
Defendants.

**FILED**

JUN - 2 2016

WORKERS' COMPENSATION

File No. 5046483

A P P E A L

D E C I S I O N

Head Note Nos.: 1402.30, 2907

Defendants Quaker Oats Company, employer, and its insurer Indemnity Insurance Company of North America, appeal from an arbitration decision filed on March 4, 2015. Claimant William Shukers responds to the appeal. The case was heard on January 7, 2015, and it was considered fully submitted in front of the deputy workers' compensation commissioner on January 30, 2015.

The deputy commissioner found claimant carried his burden of proof that he sustained a cumulative trauma injury to his right knee which arose out of and in the course of his employment on February 12, 2013. The deputy commissioner awarded claimant healing period benefits from February 12, 2013, to May 5, 2013, and running healing period benefits from December 9, 2014. The parties stipulated that if the case was found to be compensable, defendants are entitled to a credit for short-term disability benefits paid to claimant. The deputy commissioner awarded medical expenses outlined in Exhibit 11 and transportation expenses outlined in Exhibit 10. The deputy commissioner ordered that Cassandra S. Lange, M.D., shall be the authorized physician for treatment of claimant's right knee condition moving forward. The deputy commissioner determined claimant is not entitled to reimbursement pursuant to Iowa Code section 85.39 for the independent medical evaluation (IME) of Stanley Mathews, M.D. The deputy commissioner awarded claimant's costs totaling \$765.10.

Defendants assert on appeal that the deputy commissioner erred in finding claimant carried his burden of proof that he sustained a cumulative trauma injury to his right knee which arose out of and in the course of his employment on February 12, 2013. Defendants assert the deputy commissioner erred in awarding claimant running healing period benefits from December 9, 2014. Defendants assert the deputy commissioner erred in awarding the medical expenses outlined in Exhibit 11 and the transportation expenses outlined in Exhibit 10. Defendants also assert the deputy commissioner erred in ordering that Cassandra S. Lange, M.D., be the authorized physician for treatment of claimant's right knee condition moving forward.

Claimant 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.

Having 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 sections 17A.5 and 86.24, I affirm and adopt as the final agency decision those portions of the proposed arbitration decision filed on March 4, 2015, which relate to the issues properly raised on intra-agency appeal.

I find the deputy commissioner provided sufficient 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 carried his burden of proof that he sustained a cumulative trauma injury to his right knee which arose out of and in the course of his employment on February 12, 2013. I affirm the deputy commissioner's award of running healing period benefits from December 9, 2014. I affirm the deputy commissioner's award of the medical expenses outlined in Exhibit 11 and the award of transportation expenses outlined in Exhibit 10. I affirm the deputy commissioner's order that Cassandra S. Lange, M.D., shall be the authorized physician for treatment of claimant's right knee condition moving forward. I affirm the deputy commissioner's findings, conclusions and analysis regarding those issues.

#### ORDER

IT IS THEREFORE ORDERED that the arbitration decision of March 4, 2015, is affirmed in its entirety.

Defendants shall pay claimant healing period benefits from February 12, 2013, to May 5, 2013 and from December 9, 2014, through the date of the arbitration hearing and continuing until the requirements for termination of healing period benefits are met.

Defendants shall pay all accrued weekly benefits in a lump sum with applicable interest pursuant to Iowa Code section 85.30.

Defendants shall be entitled to a credit for short-term disability benefits paid to claimant pursuant to the parties' stipulation on the hearing report.

Defendants shall pay claimant or otherwise satisfy all medical expenses outlined in Exhibit 11.

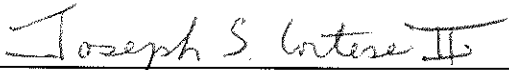
Defendants shall reimburse claimant's transportation expenses as outlined in Exhibit 10.

Cassandra S. Lange, M.D. shall be the authorized physician for treatment of claimant's right knee condition moving forward.

Pursuant to rule 876 IAC 4.33, defendants shall pay the costs of the arbitration proceeding totaling seven-hundred sixty-five and 10/100 dollars (\$765.10) and defendants shall also pay the costs of the appeal, including the cost of the hearing transcript.

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 2<sup>nd</sup> day of June, 2016.

  
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JOSEPH S. CORTESE II  
WORKERS' COMPENSATION  
COMMISSIONER

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