

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

BARBARA PAINTER,

Claimant,

vs.

ARCHER DANIELS MIDLAND
CO., INC.,

Self-Insured Employer,
Defendant.

File No. 5050097

APPEAL

DECISION

Head Note Nos: 1108.50, 1402.40,
1804

FILED

FEB 10 2017

WORKERS' COMPENSATION

Defendant Archer Daniels Midland Co., Inc., self-insured employer, appeals from an arbitration decision filed on September 8, 2015. Claimant Barbara Painter responds to the appeal. The case was heard on June 16, 2015, and it was considered fully submitted in front of the deputy workers' compensation commissioner on July 10, 2015.

The deputy commissioner found claimant carried her burden of proof that she sustained an injury on October 13, 2010, which arose out of and in the course of her employment with defendant. The deputy commissioner awarded claimant permanent total disability benefits from the date of injury. The deputy commissioner found defendant is entitled to the stipulated credit for weekly benefits paid prior to the arbitration hearing. The deputy commissioner ordered defendant to pay the providers, or reimburse claimant, for past medical expenses itemized in Exhibit 11, which the deputy commissioner found were for treatment necessitated by the work injury. The deputy commissioner also ordered defendant to pay costs requested by claimant in the arbitration proceeding totaling \$225.00.

Defendant asserts on appeal that the deputy commissioner erred in finding claimant carried her burden of proof that she sustained an injury on October 13, 2010, which arose out of and in the course of her employment with defendant. Defendant asserts the deputy commissioner erred in awarding claimant permanent total disability benefits. Defendant asserts the deputy commissioner erred in ordering defendant to pay the providers, or reimburse claimant, for past medical expenses itemized in Exhibit 11 for treatment of claimant's condition. Defendant also asserts the deputy commissioner erred in ordering it to pay any of claimant's costs of the arbitration proceeding.

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 September 8, 2015, which relate to the issues properly raised on intra-agency appeal.

I find the deputy commissioner provided sufficient 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 carried her burden of proof that she sustained an injury on October 13, 2010, which arose out of and in the course of her employment with defendant. I affirm the deputy commissioner's award of permanent total disability benefits. I affirm the deputy commissioner's finding that defendant is entitled to the stipulated credit for weekly benefits paid prior to the arbitration hearing. I affirm the deputy commissioner's order that defendant pay the providers, or reimburse claimant, for past medical expenses itemized in Exhibit 11 for treatment of claimant's condition. I affirm the deputy commissioner's order that defendant pay costs requested by claimant in the arbitration proceeding totaling \$225.00. I affirm the deputy commissioner's findings, conclusions and analysis regarding those issues.

Some of the findings by the deputy commissioner in the arbitration decision were based on the deputy commissioner's findings regarding claimant's credibility. While I performed a de novo review, I give considerable deference to findings of fact which are impacted by the credibility findings, expressly or impliedly made, regarding claimant by the deputy commissioner who presided at the arbitration hearing.

ORDER

IT IS THEREFORE ORDERED that the arbitration decision filed on September 8, 2015, is affirmed in its entirety.

Defendant shall pay claimant permanent total disability benefits from the date of injury and throughout the time claimant remains permanently and totally disabled. Those benefits shall be paid at the stipulated rate of six hundred fifteen and 81/100 dollars (\$615.81) per week.

Defendant shall pay accrued weekly benefits in a lump sum together with interest pursuant to Iowa Code section 85.30.

Defendant shall be entitled to the credit stipulated to by the parties for all benefits previously paid.

Defendant shall pay the providers, or reimburse claimant, for past medical expenses itemized in Exhibit 11 for treatment of claimant's condition.

Defendant shall pay claimant's future medical expenses necessitated by the work injury.

Pursuant to rule 876 IAC 4.33, defendant shall pay costs requested by claimant in the arbitration proceeding totaling \$225.00, and defendant 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 this 10th day of February, 2017.



JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

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