

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

DEE DELANEY,

Claimant,

vs.

SECOND INJURY FUND OF IOWA,

Employer,
Defendant.

File No. 19005645.04

A P P E A L

D E C I S I O N

Head Notes: 1402.20; 1402.40; 1803.1;
2907; 3202; 5-9998

Claimant Dee Delaney appeals from an arbitration decision filed on February 11, 2022. Defendant Second Injury Fund of Iowa (the Fund) responds to the appeal. The case was heard on September 21, 2021, and it was considered fully submitted in front of the deputy workers' compensation commissioner on October 22, 2021.

In the arbitration decision, the deputy commissioner found claimant failed to carry her burden of proof to establish she is entitled to receive benefits from the Fund because the deputy commissioner found claimant failed to prove she sustained a second qualifying injury. The deputy commissioner found the other issues raised in this matter are moot.

Claimant asserts on appeal that the deputy commissioner erred in finding claimant failed to prove she is entitled to receive benefits from the Fund. Claimant asserts the deputy commissioner erred in finding claimant failed to prove she sustained a second qualifying injury. Claimant asserts the deputy commissioner erred in finding the other issues raised in this matter are moot.

The Fund asserts 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 11, 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 is entitled to receive benefits from the Fund because I affirm the deputy commissioner's finding that claimant failed to prove she sustained a second qualifying injury. I affirm the deputy commissioner's finding that the other issues raised in this matter are moot.

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

ORDER

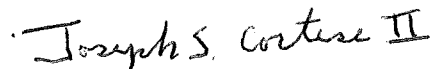
IT IS THEREFORE ORDERED that the arbitration decision filed on February 11, 2022, is affirmed in its entirety.

Claimant shall take nothing from these proceedings.

Pursuant to rule 876 IAC 4.33, claimant shall pay the costs of the appeal, including the cost of the hearing transcript.

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

Signed and filed on this 21st day of July, 2022.



JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

The parties have been served as follows:

Nate Willems (via WCES)

Jonathan Bergman (via WCES)