

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

TIGANI MOHAMOUD,

Claimant,

vs.

REM IOWA,

Employer,

and

NEW HAMPSHIRE INSURANCE CO.,

Insurance Carrier,  
Defendants.

**FILED**

AUG 24 2015

WORKERS' COMPENSATION

File No. 5037984

A P P E A L

D E C I S I O N

Head Note Nos.: 1108, 1803

Claimant Tigani Mohamoud appeals from an arbitration decision filed on June 26, 2014. The case was heard on May 21 and 22, 2014, and it was considered fully submitted on June 16, 2014, in front of the deputy workers' compensation commissioner.

The deputy commissioner determined that while claimant is entitled to temporary total disability benefits and temporary partial disability benefits as a result of the admitted work-related injury sustained by claimant on August 20, 2011, claimant failed to carry his burden of proof to establish that he also sustained permanent disability as a result of that injury.

Claimant asserts on appeal that the deputy commissioner erred in determining that claimant's testimony was not credible. Claimant also asserts that the deputy commissioner erred in determining that claimant did not sustain permanent physical disability as a result of the work injury. Claimant also asserts that the deputy commissioner erred in finding that the work injury was not the cause of claimant's ongoing mental health complaints. Defendants assert that the findings of the deputy commissioner should be affirmed.

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 86.24 and 17A.15, I affirm and adopt as the final agency decision those portions of the proposed arbitration decision filed on June 26, 2014, that relate to issues properly raised on intra-agency appeal without additional analysis, but with the following comment:

The findings by the presiding deputy commissioner were based on claimant's testimony which the deputy commissioner found lacking in credibility. While I performed a de novo review, I give considerable deference to findings of fact that are impacted by credibility findings, expressly or impliedly, made by the deputy who presided at the hearing. The deputy commissioner in this case clearly stated the reasons why he found claimant to be lacking in credibility. I find the deputy commissioner's detailed analysis in that regard to be convincing.

ORDER

IT IS THEREFORE ORDERED that the arbitration decision of June 26, 2014, is AFFIRMED in all respects.

Claimant shall pay the costs of the appeal, including the preparation of the hearing transcript.

Signed and filed this 24th day of August, 2015.



JOSEPH S. CORTESE II  
IOWA WORKERS'  
COMPENSATION COMMISSIONER

Copies to:

Jeremy Flaming  
Attorney at Law  
PO Box 2564  
Iowa City, IA 52244  
[jeremy@hoeferlaw.com](mailto:jeremy@hoeferlaw.com)

Edward Rose  
Attorney at Law  
111 E. 3rd St., Ste. 600  
Davenport, IA 52801-1596  
[ejr@bettylawfirm.com](mailto:ejr@bettylawfirm.com)