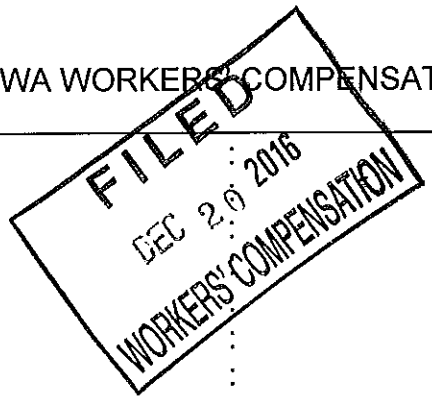
BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER



DEAN BAHE,

Claimant,

vs.

IOWA DEPARTMENT OF TRANSPORTATION,

Employer,

STATE OF IOWA,

Insurance Carrier,
Defendants.

File No. 5054363

ARBITRATION

DECISION

Head Note No.: 1803

STATEMENT OF THE CASE

Claimant, Dean Bahe, has filed a petition in arbitration and seeks worker's compensation benefits from, Iowa Department of Transportation, employer, and State of Iowa, insurance carrier, defendants.

Deputy Workers' Compensation Commissioner, Stan McElderry, heard this matter in Des Moines, Iowa.

ISSUES

The parties have submitted the following issues for determination:

1. The nature and extent of permanent disability from the injury arising out of and in the course of employment on February 17, 2014;

2. Healing period;

3. Gross earnings; and

4. Medical benefits.

FINDINGS OF FACT

The undersigned having considered all of the evidence and testimony in the record finds:

The claimant was 53 years old at the time of hearing. He is a high school graduate and earned a machinist specialist certificate from Hawkeye Tech post-high school. He also has a commercial drivers' license (CDL).

After high school the claimant was employed about two years as a bagger machine operator for Pioneer. The next two years were spent penning livestock at the Waverly, Iowa sales barn. The claimant then worked construction labor at Prairie Construction. In 1991 the claimant began work for IDOT (herein after employer) as an equipment operator. At the date of hearing he was still in that position with essentially the same duties as when he began. The majority of the work time is spent driving or operating equipment including a snow plow in the winter. He also farms around 200 acres.

On February 17, 2014 the claimant was operating a snow plow during a blizzard as part of his duties for the employer when the plow went off the road into a ditch. The parties stipulated that an injury arising out of and in the course of employment resulted from the accident. The dispute largely is whether seizure symptoms (head injury) are a part of the injury, and the extent of disability. Physical injuries to the back were vertebral body fractures from T12 through L2. (Exhibit 1, page 24)

When emergency responders arrived at the scene of the accident the claimant was unconscious. He regained consciousness slowly sometime before arrival at Allen Memorial Hospital in Waterloo. (Ex. 1, p. 23) At the emergency room a "contusion" to the top of the head was noted. (Ex. 1, p. 23) This was further documented as "He apparently hit his head also, there was a big bruise over the vortex of his head." (Ex. 1, p. 24) The claimant was unable to remember what had happened and he was "asking repetitive questions upon arrival here." (Ex. 1, p. 23) A CT scan of the brain showed no obvious abnormality. (Ex. 1, p. 26) John I. Halloran, M.D., noted the possibility of syncope but "I also suspect this could be a concussion with retrograde amnesia." (Ex. 1, p. 28) Assessment included closed head injury and concussion. (Ex. 1, p. 29) Regarding whether the head issues were pre-existing or as a result of the accident it was noted: "He denies haven any impending aura. He does not recall having urinary or bowel incontinence. No biting of the tongue. No prior episode. No history of seizures. He denies having any palpitations as well. At this point, he denies having any chest pain or shortness of breath as well." (Ex. 1, p. 32) Seizure was found unlikely to be due to a cardiac arrhythmia. (Ex. 1, p. 36) Significant neurologic investigations were performed during the hospital stay Ex. 1, p. 40) A neurology consult was limited however due to claimant's severe pain. (Ex. 1, p. 37)

At Allen, Ameer Almullahassani, M.D., Neurologist, opined that it was: "Likely his syncope was related to the car accident, but there is no way to confirm that." (Ex. 1, p. 37b) The claimant reported to Dr. Almullahassani on May 19, 2014 that he had bit his tongue twice while sleeping. As a result the doctor ordered a seven-day inpatient EEG monitoring test to rule out seizure. (Ex. 1, p. 91) The claimant had no spell or seizures during the test and the study failed to provide support for a diagnosis of epilepsy. (Ex. 1, pgs. 122-128) On October 23, 2014 the claimant told

Dr. Almullahassani that he had recently went to the ER with a seizure. The doctor confirmed that the claimant could not drive a motor vehicle until he went six months without a seizure. A seizure did not occur during the six months and the claimant was allowed to drive afterwards. Since the claimant could not drive, he was off work from October 6, 2014 through April 17, 2015.

As to causation regarding seizures, on May 24, 2014 Dr. Almullahassani wrote "unable to determine if syncope happened prior to MVA or post MVA as he was alone during MVA." (Ex. 1, p. 94a) On October 23, 2014 Dr. Almullahassani also focused on "Again, we do not have clear proof of it..." (Ex. 1, p. 97) But, significantly he opined that "Likely it is the car accident caused head trauma and caused the seizure." (Ex. 1, p. 97) On October 28, 2014 Dr. Almullahassani stated that: "Likely the seizure was related to the MVA as this patient has never had seizure activity prior to the MVA. However, this cannot be determine [sic] with 100% certainty." (Ex. 1, p. 98) Dr. Almullahassani when asked the most probable cause stated: "Mr. Bahe was seen by me as a patient for evaluation of syncopal episode, which never happened before the MVA, his symptoms could be related to MVA, I am not aware of any syncopal episodes before the MVA." (Ex. 1, p. 101) Ultimately, it appears that Dr. Almullahassani is saying he cannot be absolutely 100 percent sure, but given claimant's history, the most probable cause of the seizure episode on February 17, 2014 was the MVA accident.

David Friedgood, D.O., Neurologist, provided an opinion for the defense. Dr. Friedgood did not examine the claimant and merely performed a paper review. (Ex. 1, pgs. 102, 102a, 103) He concedes that it is likely claimant had a closed head injury during the accident, but concludes there is no evidence that the accident resulted in epilepsy or seizures. (Ex. 1, p. 104)

Russell I. Buchanan, M.D., provided much of the treatment for the back injury. He returned the claimant to work on modified duty on June 23, 2014. (Ex. 1, p. 71) On October 22, 2014 Dr. Buchanan opined that the claimant was at maximum medical improvement (MMI) effective September 29, 2014, had no permanent work restrictions, and had a 23 percent body as a whole permanent impairment from the back fractures. (Ex. 1, p. 87)

Sunil Bansal, M.D., saw the claimant on May 13, 2016 for an independent medical evaluation/examination (IME). (Ex. 1) Dr. Bansal opined that the work injury of February 17, 2014 caused permanent impairment to the back (23 percent body as a whole), and paroxysmal disorder/seizures (5 percent). (Ex. 1, p. 20) Dr. Bansal opined that the MVA accident "caused a head injury, resulting in a traumatic brain injury with a sequelae of late onset post traumatic seizures." (Ex. 1, p. 20) It is so found.

The claimant testified that he could perform any job he has previously held. He has been told to carefully confine lifting to tasks which allow him to keep both hands close to his waist and chest. This is industrially limiting, requiring more time to perform some physical tasks. Also important is the head injury which already has caused the claimant to miss months of work, as he was disqualified from driving. If the concussion

symptoms reappear it could be catastrophic to claimant's earning capacity. Even the episode that already has occurred could limit claimant's ability to find other work even without a return of the symptoms. He has a BAW impairment rating of 23 percent just for the back. Considering the claimant's medical impairments, training, permanent restrictions, daily pain, as well as all other factors of industrial disability, the claimant is found to have suffered a 40 percent loss of earnings capacity.

On the date of injury the claimant, was married, and entitled to four exemptions. He claims average gross weekly earnings of $1,142.28. The defendant asserts that the correct gross earnings are $965.48. (Ex. 4, p. 144) The difference is that the claimant wants 99.2 hours compensatory time that was banked during the period included in his wages. The claimant voluntarily banked the time rather than take it as overtime pay. The claimant then would later take some out of the bank as time off (like annual leave or vacation) and some as cash. The option was his as to when and how to use the banked time. The claimant did also take 21.7 hours of overtime pay during the period which defendant correctly includes in the rate calculation. Claimant's weekly benefit rate is $730.49 using his calculations and $630.46 if the defendant's calculations are used. The parties stipulated that the commencement date for permanent disability is June 23, 2014. Claimant also seeks payment of the medical treatment connected to the brain/seizure injury. No bills were submitted. But this decision does causally connect the diagnosis and treatment of the brain injury to the work injury.

REASONING AND CONCLUSIONS OF LAW

The party who would suffer loss if an issue were not established has the burden of proving that issue by a preponderance of the evidence. Iowa R. App. P. 6.14(6).

The claimant has the burden of proving by a preponderance of the evidence that the alleged injury actually occurred and that it both arose out of and in the course of the employment. Quaker Oats Co. v. Ciha, 552 N.W.2d 143 (Iowa 1996); Miedema v. Dial Corp., 551 N.W.2d 309 (Iowa 1996). The words "arising out of" referred to the cause or source of the injury. The words "in the course of" refer to the time, place, and circumstances of the injury. 2800 Corp. v. Fernandez, 528 N.W.2d 124 (Iowa 1995). An injury arises out of the employment when a causal relationship exists between the injury and the employment. Miedema, 551 N.W.2d 309. The injury must be a rational consequence of a hazard connected with the employment and not merely incidental to the employment. Koehler Electric v. Wills, 608 N.W.2d 1 (Iowa 2000); Miedema, 551 N.W.2d 309. An injury occurs "in the course of" employment when it happens within a period of employment at a place where the employee reasonably may be when performing employment duties and while the employee is fulfilling those duties or doing an activity incidental to them. Ciha, 552 N.W.2d 143.

The claimant has the burden of proving by a preponderance of the evidence that the injury is a proximate cause of the disability on which the claim is based. A cause is proximate if it is a substantial factor in bringing about the result; it need not be the only cause. A preponderance of the evidence exists when the causal connection is probable

rather than merely possible. George A. Hormel & Co. v. Jordan, 569 N.W.2d 148 (Iowa 1997); Frye v. Smith-Doyle Contractors, 569 N.W.2d 154 (Iowa App. 1997); Sanchez v. Blue Bird Midwest, 554 N.W.2d 283 (Iowa App. 1996).

The question of causal connection is essentially within the domain of expert testimony. The expert medical evidence must be considered with all other evidence introduced bearing on the causal connection between the injury and the disability. Supportive lay testimony may be used to buttress the expert testimony and, therefore, is also relevant and material to the causation question. The weight to be given to an expert opinion is determined by the finder of fact and may be affected by the accuracy of the facts the expert relied upon as well as other surrounding circumstances. The expert opinion may be accepted or rejected, in whole or in part. St. Luke's Hosp. v. Gray, 604 N.W.2d 646 (Iowa 2000); IBP, Inc. v. Harpole, 621 N.W.2d 410 (Iowa 2001); Dunlavey v. Economy Fire and Cas. Co., 526 N.W.2d 845 (Iowa 1995). Miller v. Lauridsen Foods, Inc., 525 N.W.2d 417 (Iowa 1994). Unrebutted expert medical testimony cannot be summarily rejected. Poula v. Siouxland Wall & Ceiling, Inc., 516 N.W.2d 910 (Iowa App. 1994).

A personal injury contemplated by the workers' compensation law means an injury, the impairment of health or a disease resulting from an injury which comes about, not through the natural building up and tearing down of the human body, but because of trauma. The injury must be something that acts extraneously to the natural processes of nature and thereby impairs the health, interrupts or otherwise destroys or damages a part or all of the body. Although many injuries have a traumatic onset, there is no requirement for a special incident or an unusual occurrence. Injuries which result from cumulative trauma are compensable. Increased disability from a prior injury, even if brought about by further work, does not constitute a new injury, however. St. Luke's Hosp. v. Gray, 604 N.W.2d 646 (Iowa 2000); Ellingson v. Fleetguard, Inc., 599 N.W.2d 440 (Iowa 1999); Dunlavey v. Economy Fire and Cas. Co., 526 N.W.2d 845 (Iowa 1995); McKeever Custom Cabinets v. Smith, 379 N.W.2d 368 (Iowa 1985). An occupational disease covered by chapter 85A is specifically excluded from the definition of personal injury. Iowa Code section 85.61(4) (b); Iowa Code section 85A.8; Iowa Code section 85A.14.

The claimant has the burden of establishing an injury arising out of and in the course of employment. The back injuries were stipulated to. As to the seizures it was found that he had met burden of establishing that the seizures were more likely the result of the work accident.

The next issue is the extent of permanent disability.

The party who would suffer loss if an issue were not established has the burden of proving that issue by a preponderance of the evidence. Iowa Rule of Appellate Procedure 6.14(6).

The claimant has the burden of proving by a preponderance of the evidence that the alleged injury actually occurred and that it both arose out of and in the course of the employment. Quaker Oats Co. v. Ciha, 552 N.W.2d 143 (Iowa 1996); Miedema v. Dial Corp., 551 N.W.2d 309 (Iowa 1996). The words "arising out of" referred to the cause or source of the injury. The words "in the course of" refer to the time, place, and circumstances of the injury. 2800 Corp. v. Fernandez, 528 N.W.2d 124 (Iowa 1995). An injury arises out of the employment when a causal relationship exists between the injury and the employment. Miedema, 551 N.W.2d 309. The injury must be a rational consequence of a hazard connected with the employment and not merely incidental to the employment. Koehler Elec. v. Wills, 608 N.W.2d 1 (Iowa 2000); Miedema, 551 N.W.2d 309. An injury occurs "in the course of" employment when it happens within a period of employment at a place where the employee reasonably may be when performing employment duties and while the employee is fulfilling those duties or doing an activity incidental to them. Ciha, 552 N.W.2d 143.

Since claimant has an impairment to the body as a whole, an industrial disability has been sustained. Industrial disability was defined in Diederich v. Tri-City R. Co., 219 Iowa 587, 258 N.W.2d 899 (1935) as follows: "It is therefore plain that the legislature intended the term 'disability' to mean 'industrial disability' or loss of earning capacity and not a mere 'functional disability' to be computed in the terms of percentages of the total physical and mental ability of a normal man."

Functional impairment is an element to be considered in determining industrial disability which is the reduction of earning capacity, but consideration must also be given to the injured employee's age, education, qualifications, experience, motivation, loss of earnings, severity and situs of the injury, work restrictions, inability to engage in employment for which the employee is fitted and the employer's offer of work or failure to so offer. McSpadden v. Big Ben Coal Co., 288 N.W.2d 181 (Iowa 1980); Olson v. Goodyear Service Stores, 255 Iowa 1112, 125 N.W.2d 251 (1963); Barton v. Nevada Poultry Co., 253 Iowa 285, 110 N.W.2d 660 (1961).

Compensation for permanent partial disability shall begin at the termination of the healing period. Compensation shall be paid in relation to 500 weeks as the disability bears to the body as a whole. Section 85.34.

While a claimant is not entitled to compensation for the results of a preexisting injury or disease, its mere existence at the time of a subsequent injury is not a defense. Rose v. John Deere Ottumwa Works, 247 Iowa 900, 76 N.W.2d 756 (1956). If the claimant had a preexisting condition or disability that is materially aggravated, accelerated, worsened or lighted up so that it results in disability, claimant is entitled to recover. Nicks v. Davenport Produce Co., 254 Iowa 130, 115 N.W.2d 812 (1962); Yeager v. Firestone Tire & Rubber Co., 253 Iowa 369, 112 N.W.2d 299 (1961). Total disability does not mean a state of absolute helplessness. Permanent total disability occurs where the injury wholly disables the employee from performing work that the employee's experience, training, education, intelligence, and physical capacities would otherwise permit the employee to perform. See McSpadden v. Big Ben Coal Co., 288

N.W.2d 181 (Iowa 1980); Diederich v. Tri-City R. Co., 219 Iowa 587, 258 N.W. 899 (1935).

Based on the finding that the claimant has suffered a 40 percent loss of earning capacity, he has sustained a 40 percent permanent partial industrial disability entitling him to 200 weeks of permanent partial disability pursuant to Iowa Code section 85.34(2)(u).

The next issue is healing period.

An employee is entitled to appropriate temporary partial disability benefits during those periods in which the employee is temporarily, partially disabled. An employee is temporarily, partially disabled when the employee is not capable medically of returning to employment substantially similar to the employment in which the employee was engaged at the time of the injury, but is able to perform other work consistent with the employee's disability. Temporary partial benefits are not payable upon termination of temporary disability, healing period, or permanent partial disability simply because the employee is not able to secure work paying weekly earnings equal to the employee's weekly earnings at the time of the injury. Section 85.33(2).

Healing period compensation describes temporary workers' compensation weekly benefits that precede an allowance of permanent partial disability benefits. Ellingson v. Fleetguard, Inc., 599 N.W.2d 440 (Iowa 1999). Section 85.34(1) provides that healing period benefits are payable to an injured worker who has suffered permanent partial disability until the first to occur of three events. These are: (1) the worker has returned to work; (2) the worker medically is capable of returning to substantially similar employment; or (3) the worker has achieved maximum medical recovery. Maximum medical recovery is achieved when healing is complete and the extent of permanent disability can be determined. Armstrong Tire & Rubber Co. v. Kubli, Iowa App., 312 N.W.2d 60 (Iowa 1981). Neither maintenance medical care nor an employee's continuing to have pain or other symptoms necessarily prolongs the healing period.

When an injured worker has been unable to work during a period of recuperation from an injury that did not produce permanent disability, the worker is entitled to temporary total disability benefits during the time the worker is disabled by the injury. Those benefits are payable until the employee has returned to work, or is medically capable of returning to work substantially similar to the work performed at the time of injury. Section 85.33(1).

The claimant's injury caused permanent disability and impairment. Thus, the temporary benefits herein are healing period benefits. The claimant was off work from October 6, 2014 through February 17, 2015 when he reached six months seizure free and could return to driving and work. The defendants are responsible for paying healing period benefits for this period to the extent they have not already done so.

Next is the issue of rate.

85.36 BASIS OF COMPUTATION.

The basis of compensation shall be the weekly earnings of the injured employee at the time of the injury. Weekly earnings means gross salary, wages, or earnings of an employee to which such employee would have been entitled had the employee worked the customary hours for the full pay period in which the employee was injured, as regularly required by the employee's employer for the work or employment for which the employee was employed, computed or determined as follows and then rounded to the nearest dollar:

1. In the case of an employee who is paid on a weekly pay period basis, the weekly gross earnings.

2. In the case of an employee who is paid on a biweekly pay period basis, one-half of the biweekly gross earnings.

3. In the case of an employee who is paid on a semimonthly pay period basis, the semimonthly gross earnings multiplied by 24 and subsequently divided by 52.

4. In the case of an employee who is paid on a monthly pay period basis, the monthly gross earnings multiplied by 12 and subsequently divided by 52.

5. In the case of an employee who is paid on a yearly pay period basis, the weekly earnings shall be the yearly earnings divided by 52.

6. In the case of an employee who is paid on a daily or hourly basis, or by the output of the employee, the weekly earnings shall be computed by dividing by 13 the earnings, including shift differential pay but not including overtime or premium pay, of the employee earned in the employ of the employer in the last completed period of 13 consecutive calendar weeks immediately preceding the injury. If the employee was absent from employment for reasons personal to the employee during part of the 13 calendar weeks preceding the injury, the employee's weekly earnings shall be the amount the employee would have earned had the employee worked when work was available to other employees of the employer in a similar occupation. A week which does not fairly reflect the employee's customary earnings shall be replaced by the closest previous week with earnings that fairly represent the employee's customary earnings.

7. In the case of an employee who has been in the employ of the employer less than 13 calendar weeks immediately preceding the injury, the employee's weekly earnings shall be computed under subsection 6, taking the earnings, including shift differential pay but not including overtime or premium pay, for such purpose to be the amount the employee would have earned had the employee been so employed by the employer the full 13 calendar weeks immediately preceding the injury and had worked, when work was available to other employees in a similar occupation. If the earnings of

other employees cannot be determined, the employee's weekly earnings shall be the average computed for the number of weeks the employee has been in the employ of the employer.

8. If at the time of the injury the hourly earnings have not been fixed or cannot be ascertained, the earnings for the purpose of calculating compensation shall be taken to be the usual earnings for similar services where such services are rendered by paid employees.

9. If an employee earns either no wages or less than the usual weekly earnings of the regular full-time adult laborer in the line of industry in which the employee is injured in that locality, the weekly earnings shall be 1/50th of the total earnings which the employee has earned from all employment during the 12 calendar months immediately preceding the injury.

a. In computing the compensation to be allowed a volunteer fire fighter, emergency medical care provider, reserve peace officer, volunteer ambulance driver, volunteer emergency rescue technician as defined in section 147A.1, or emergency medical technician trainee, the earnings as a fire fighter, emergency medical care provider, reserve peace officer, volunteer ambulance driver, volunteer emergency rescue technician, or emergency medical technician trainee shall be disregarded and the volunteer fire fighter, emergency medical care provider, reserve peace officer, volunteer ambulance driver, volunteer emergency rescue technician, or emergency medical technician trainee shall be paid an amount equal to the compensation the volunteer fire fighter, emergency medical care provider, reserve peace officer, volunteer ambulance driver, volunteer emergency rescue technician, or emergency medical technician trainee would be paid if injured in the normal course of the volunteer fire fighter's, emergency medical care provider's, reserve peace officer's, volunteer ambulance driver's, volunteer emergency rescue technician's, or emergency medical technician trainee's regular employment or an amount equal to 140 percent of the statewide average weekly wage, whichever is greater.

b. If the employee was an apprentice or trainee when injured, and it is established under normal conditions the employee's earnings should be expected to increase during the period of disability, that fact may be considered in computing the employee's weekly earnings.

c. If the employee was an inmate as defined in section 85.59, the inmate's actual earnings shall be disregarded, and the weekly compensation rate shall be as set forth in section 85.59.

10. If a wage, or method of calculating a wage, is used for the basis of the payment of a workers' compensation insurance premium for a proprietor, partner, limited liability company member, limited liability partner, or officer of a corporation, the wage or the method of calculating the wage is determinative for purposes of computing

the proprietor's, partner's, limited liability company member's, limited liability partner's, or officer's weekly workers' compensation benefit rate.

11. In computing the compensation to be allowed an elected or appointed official, the official may choose either of the following payment options:

a. The official shall be paid an amount of compensation based on the official's weekly earnings as an elected or appointed official.

b. The earnings of the official as an elected or appointed official shall be disregarded and the official shall be paid an amount equal to 140 percent of the statewide average weekly wage.

12. In the case of an employee injured in the course of performing as a professional athlete, the basis of compensation for weekly earnings shall be 1/50th of total earnings which the employee has earned from all employment for the previous 12 months prior to the injury.

For years Noel v. Rolscreen Co., 475 N.W.2d 666, 668 (Iowa App. 1991) in consideration of whether a bonus is to be considered regular or irregular was the precedent. The division's interpretation of the very-limited scope of the Noel decision was later affirmed by the Iowa Supreme Court, which held that the division should not be handcuffed to such a limited inquiry as afforded by Noel but should be afforded a greater ability to apply the law to the facts of each individual case. Burton v. Hilltop Care Center, 813 N.W.2d 250 (Iowa 2012). In Burton the Supreme Court held that the division, as trier of fact, should not be handcuffed to a limited inquiry, but should be afforded a greater ability to apply the law to the facts of each individual case in order to most accurately determine the gross-wages used to calculate the average weekly wage and rate of compensation under Iowa Code section 85.36. The same logic applies to a calculation of how compensatory time is treated.

85.61 DEFINITIONS.

In this chapter and chapters 86 and 87, unless the context otherwise requires, the following definitions of terms shall prevail:

3. *"Gross earnings"* means recurring payments by employer to the employee for employment, before any authorized or lawfully required deduction or withholding of funds by the employer, excluding irregular bonuses, retroactive pay, overtime, penalty pay, reimbursement of expenses, expense allowances, and the employer's contribution for welfare benefits.

The defendant asserts that the claimant's gross weekly earnings at the time of the work injury were $965.48 per week, and that he was married, and entitled to four exemptions (M-4) for a weekly benefit rate of $630.46. Claimant asserts M-4 and gross earnings of $1,142.28 for a weekly rate of $730.49. The difference is overtime that the claimant banked as compensatory time rather than take as pay. The undersigned was

unable to find any prior cases on point for guidance on this issue. The parties also did not provide any cases.

In banking the time the claimant in essence removed that time from his current wages. Since he could, and regularly did, chose to take the banked time as paid time off (vacation equivalent) it cannot correctly be included in wages. It is not knowable when banked time will ever be paid as wages, if ever, since it can be used as vacation. Banked vacation is not included in gross earnings until it is paid as wages, if ever. The situation is the same for banked compensatory time. Also, claimant's method of calculation would also allow an employee to bank compensatory time and have it added for a wage calculation, and then have it paid out and included in a wage calculation a second time. The defendant's calculation of $965.48 per week, and that claimant was married, and entitled to four exemptions (M-4) for a weekly benefit rate of $630.46 is correct.

ORDER

Therefore it is ordered:

That defendant pay claimant healing period from October 6, 2014 through April 17, 2015, at the weekly rate of six hundred thirty and 46/100 dollars ($630.46).

That the defendant pay claimant two hundred (200) weeks of permanent partial disability at the weekly rate of six hundred thirty and 46/100 dollars ($630.46) commencing June 23, 2014.

Costs are taxed to the defendant pursuant to 876 IAC 4.33.

Accrued benefits shall be paid in lump sum together with interest pursuant to Iowa Code section 85.30 with subsequent reports of injury pursuant to rule 876 IAC 3.1.

Signed and filed this 20th day of December, 2016.

STAN MCELDERRY
DEPUTY WORKERS'
COMPENSATION COMMISSIONER

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SRM/sam

Right to Appeal: This decision shall become final unless you or another interested party appeals within 20 days from the date above, pursuant to rule 876-4.27 (17A, 86) of the Iowa Administrative Code. The notice of appeal must be in writing and received by the commissioner's office within 20 days from the date of the decision. The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday. The notice of appeal must be filed at the following address: Workers' Compensation Commissioner, Iowa Division of Workers' Compensation, 1000 E. Grand Avenue, Des Moines, Iowa 50319-0209.