

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

GREG RICE,

Claimant,

VS.

SECOND INJURY FUND OF IOWA.

Defendant.

File No. 5049190

APPEAL
DECISION

Head Notes: 2905; 2907; 3202; 5-9998

Claimant Greg Rice appeals from a review-reopening decision filed on June 12, 2018. Defendant Second Injury Fund of Iowa (the Fund) responds to the appeal. The case was heard on February 23, 2018, and it was considered fully submitted in front of the deputy workers' compensation commissioner on March 16, 2018.

The deputy commissioner found claimant failed to carry his burden of proof to establish he sustained an economic change of condition which would entitle him to receive an increase in the amount of industrial disability awarded to him in an underlying arbitration decision filed in this matter on August 17, 2016. The deputy commissioner found all other issues raised by claimant in the review-reopening proceeding are moot, and the deputy commissioner found claimant is entitled to receive nothing in the review-reopening proceeding. The deputy commissioner ordered claimant to pay the costs of the review-reopening proceeding.

Claimant asserts on appeal that the deputy commissioner erred in finding claimant failed to carry his burden of proof to establish he sustained an economic change of condition which would entitle him to receive an increase in the amount of industrial disability awarded to him in the underlying arbitration decision. Claimant asserts the deputy commissioner erred in failing to award claimant substantial additional industrial disability or, in the alternative, in failing to award claimant permanent total disability benefits.

The Fund asserts on appeal that the review-reopening 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.

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 review-reopening decision filed on June 12, 2018, which relate to the issues properly raised on intra-agency appeal.

I find the deputy commissioner provided a well-reasoned analysis of all of the issues raised in the review-reopening 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 carry his burden of proof to establish he sustained an economic change of condition which would entitle him to receive an increase in the amount of industrial disability awarded to him in the underlying arbitration decision filed on August 17, 2016. I affirm the deputy commissioner's finding that all other issues raised in this matter are moot, and I affirm the deputy commissioner's finding that claimant is entitled to receive nothing in the review-reopening proceeding. I affirm the deputy commissioner's order that claimant pay the costs of the review-reopening proceeding.

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

ORDER

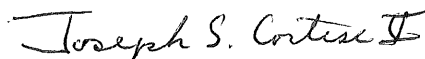
IT IS THEREFORE ORDERED that the review-reopening decision filed on June 12, 2018, is affirmed in its entirety.

Claimant shall take nothing from these proceedings.

Pursuant to rule 876 IAC 4.33, claimant shall pay the costs of the review-reopening proceeding, and 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 1st day of November, 2019.



JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

The parties have been served as follows:

Randall Schueller (Via WCES)

Sarah Brandt (Via WCES)