

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

GUY WORKMAN,

Claimant,

vs.

W.W. TRANSPORT, INC.,

Employer,

and

ARCH INSURANCE CO.,

Insurance Carrier,
Defendants.

File No. 1626728.01

A P P E A L

D E C I S I O N

: Head Notes: 1402.40; 1403.10; 1803; 2501;
: 2502;2907;5-9998

Claimant Guy Workman appeals from an arbitration decision filed on September 29, 2021. Defendants W.W. Transport, Inc., employer, and its insurer, Arch Insurance Co., respond to the appeal. The case was heard on May 4, 2021, and it was considered fully submitted in front of the deputy workers' compensation commissioner on June 1, 2021.

In the arbitration decision, the deputy commissioner found claimant failed to carry his burden of proof to establish he sustained any permanent disability as a result of the stipulated work injury which occurred on December 16, 2016. The deputy commissioner found claimant failed to prove he is entitled to receive any permanent disability benefits for the injury. The deputy commissioner found claimant reached maximum medical improvement (MMI) on May 17, 2017, and the deputy commissioner found defendants are not responsible for any of the requested past medical expenses incurred after May 17, 2017. The deputy commissioner found that pursuant to Iowa Code section 85.39, claimant is entitled to be reimbursed by defendants for the cost of the independent medical evaluation (IME) of claimant performed by Bruce Guberman, M.D. The deputy commissioner ordered the parties to pay their own costs of the arbitration proceeding.

Claimant asserts on appeal that the deputy commissioner erred in finding claimant failed to prove he sustained any permanent disability as a result of the work injury. Claimant asserts the deputy commissioner erred in finding claimant failed to prove he is entitled to receive any permanent disability benefits for the injury. Claimant

asserts the deputy commissioner erred in finding defendants are not responsible for the requested past medical expenses.

Defendants assert 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 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 arbitration decision filed on September 29, 2021, 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 he sustained any permanent disability as a result of the work injury. I affirm the deputy commissioner's finding that claimant failed to prove he is entitled to receive any permanent disability benefits for the injury. I affirm the deputy commissioner's finding that claimant reached MMI on May 17, 2017, and I affirm the deputy commissioner's finding that defendants are not responsible for the requested past medical expenses. I affirm the deputy commissioner's finding that claimant is entitled to be reimbursed by defendants for the cost Dr. Guberman's IME. I affirm the deputy commissioner's order that the parties pay their own costs of the arbitration proceeding.

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

ORDER

IT IS THEREFORE ORDERED that the arbitration decision filed on September 29, 2021, is affirmed in its entirety.

Claimant shall take nothing from these proceedings in the way of additional benefits.

Defendants shall reimburse claimant for the cost of Dr. Guberman's IME.

Pursuant to rule 876 IAC 4.33, the parties shall pay their own costs of the arbitration 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), defendants shall file subsequent reports of injury as required by this agency.

Signed and filed on this 24th day of March, 2022.

Joseph S. Cortese II

JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

The parties have been served as follows:

Thomas Wertz (via WCES)

Abigail Wenninghoff (via WCES)