

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

AARON TAMMEN,

Claimant,

vs.

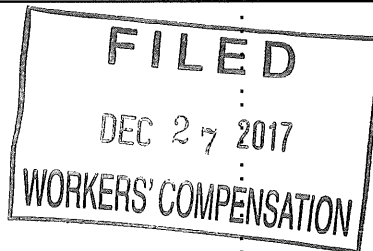
ECHO POWERLINE LEASING, LLC,

Employer,

and

TRAVELERS PROPERTY CASUALTY
COMPANY OF AMERICA,

Insurance Carrier,
Defendants.



File No. 5053791

RULING ON APPLICATION

FOR REHEARING

On December 15, 2017, defendants filed an application for rehearing. Defendants assert that they advanced claimant 15 weeks of permanent partial disability benefits paid concurrently with healing period benefits. Those benefits were made with the understanding that the defendants would receive a credit for benefits paid. This issue was not addressed in the Arbitration decision and in order to preserve this issue on appeal, defendants request that a modification be made to the arbitration decision. On December 20, 2017, claimant filed a response agreeing that the defendants are entitled to a credit of fifteen weeks of permanent partial disability and that the Arbitration decision should reflect this. While the Arbitration decision does state that the defendants shall receive credits for benefits previously paid, it does not directly address the fifteen weeks of permanent partial disability advanced.

THEREFORE IT IS ORDERED, the defendant's motion for rehearing is granted. The Arbitration decision shall be revised as follows:

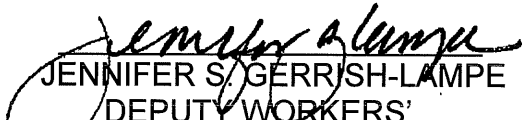
STIPULATIONS

The parties stipulate that the defendants advanced claimant fifteen weeks of permanent partial disability benefits paid concurrently with healing period benefits. They are entitled to receive a credit against any benefits owed.

ORDER

That defendants are to be given credits for benefits previously paid. Benefits paid prior to June 4, 2017, are considered temporary benefits. Benefits paid on or after June 4, 2017, are considered permanent benefits. Defendants shall further receive credit for the fifteen (15) weeks of permanent partial disability benefits advanced to the claimant. These fifteen (15) weeks of permanent partial disability benefits shall be credited against permanent benefits owed.

Signed and filed this 27th day of December, 2017.


JENNIFER S. GERRISH-LAMPE
DEPUTY WORKERS'
COMPENSATION COMMISSIONER

Copies to:

Pressley W. Henningsen
Attorney at Law
425 – 2nd St. SE, Ste. 1140
Cedar Rapids, IA 52401-1848
phenningsen@riccololaw.com

Julie A. Burger
Attorney at Law
1089 Jordan Creek Pkwy., Ste. 360
West Des Moines, IA 50266-0001
jburger2@travelers.com

JGL/kjw