

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER



VESNA IVANOVSKI,

Claimant,

vs.

WAL-MART STORES, INC.,

Employer,

and

AMERICAN HOME ASSURANCE
COMPANY,

Insurance Carrier,
Defendants.

File No. 5009394

APPEAL
DECISION

Head Note No.: 1803

Pursuant to Iowa Code sections 86.24 and 17A.15 I affirm and adopt as final agency action those portions of the proposed decision in this matter that relate to issues properly raised on intra-agency appeal with the following additional analysis:

The deputy correctly placed the degree of disability at fifty percent (50%). Claimant's claim for total disability is undermined by her failure to show that there are no jobs available that she can perform. She did not attempt to resume work. Work similar to what she performed at Target appears to be a plausible option and is not likely the only option. She was employed at Wal-Mart until she exceeded her restrictions and was terminated. Nevertheless, her substandard English language skill limits her access to jobs and makes her physical limitations have a greater impact than on a person with similar qualifications and background but good English language skill.

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

Signed and filed this 29th day of July, 2005.

A handwritten signature in black ink, appearing to read "Michael G. Trier".

MICHAEL G. TRIER
WORKERS' COMPENSATION COMMISSIONER

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