

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

GREG RING,

Claimant,

vs.

CRESLINE PLASTIC PIPE CO, INC.,

Employer,

and

TRAVELERS PROPERTY CASUALTY  
COMPANY OF AMERICA,

Insurance Carriers,  
Defendants.

**FILED**

**NOV 20 2017**

File No. 5049260 WORKERS' COMPENSATION

A P P E A L

D E C I S I O N

Head Note Nos: 1803; 5-9998

Defendants Cresline Plastic Pipe Co., Inc., employer, and its insurer, Travelers Property Casualty Company of America, appeal from an arbitration decision filed on March 25, 2016. Claimant Greg Ring responds to the appeal. The case was heard on September 23, 2016, and it was considered fully submitted in front of the deputy workers' compensation commissioner at the conclusion of the arbitration hearing.

The deputy commissioner found claimant sustained 55 percent industrial disability as a result of the stipulated injury which arose out of and in the course of claimant's employment with defendant-employer on February 5, 2010, which entitles claimant to 275 weeks of permanent partial disability (PPD) benefits commencing September 9, 2013. The parties stipulated at hearing that claimant's gross average weekly wage for the work injury is \$703.00 and claimant's weekly benefit rate for the work injury, classification married with two exemptions, is \$471.50. In the arbitration decision, the deputy commissioner incorrectly listed claimant's gross average weekly wage for the work injury as \$1,703.00. The deputy commissioner found defendants are entitled to a credit for 100 weeks of PPD benefits paid by defendants prior to the arbitration hearing. The deputy commissioner also ordered defendants to pay claimant's costs of the arbitration proceeding.

Defendants assert on appeal that the deputy commissioner erred in awarding claimant anything more than the 100 weeks of PPD benefits paid by defendants prior to the arbitration hearing.

Claimant asserts on appeal that the arbitration decision should be affirmed in its entirety.

The parties stipulate on appeal that claimant's gross average weekly wage for the work injury should correctly be listed as \$703.00 rather than \$1,703.00.

Those portions of the proposed agency decision pertaining to issues not raised on appeal are adopted as a part of this appeal decision.

Having performed a de novo review of the evidentiary record and the detailed arguments of the parties, 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 March 25, 2016, which relate to the issues properly raised on intra-agency appeal.

I find the deputy commissioner provided sufficient analysis of 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 sustained 55 percent industrial disability as a result of the work injury, which entitles claimant to 275 weeks of PPD benefits commencing September 23, 2013. Pursuant to the parties' stipulation, I find claimant's correct gross average weekly wage for the work injury is \$703.00, and I find claimant's correct weekly benefit rate for the work injury is \$471.50. I affirm the deputy commissioner's finding that defendants are entitled to a credit for 100 weeks of PPD benefits paid by defendants prior to the arbitration hearing. I also affirm the deputy commissioner's order that defendants pay claimant's costs of the arbitration proceeding. I affirm the deputy commissioner's findings, conclusions and analysis regarding those issues.

#### ORDER

IT IS THEREFORE ORDERED that the arbitration decision filed on March 25, 2016, is affirmed in its entirety.

Defendants shall pay claimant two hundred seventy-five (275) weeks of permanent partial disability commencing September 9, 2013 at the weekly rate of four hundred seventy-one and 50/100 dollars (\$471.50).

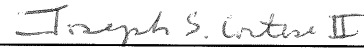
Defendants shall receive a credit for 100 weeks of permanent partial disability benefits paid by defendants prior to the arbitration hearing.

Defendants shall pay accrued weekly benefits in a lump sum together with interest pursuant to Iowa Code section 85.30.

Pursuant to rule 876 IAC 4.33, defendants shall pay claimant's costs of the arbitration proceeding, and defendants 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 this 20th day of November, 2017.

  
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JOSEPH S. CORTESE II  
WORKERS' COMPENSATION  
COMMISSIONER

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