

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

DENNIS MAHER,

Claimant,

vs.

SOLAR TRANSPORT, L.L.C.,

Employer,

and

ZURICH AMERICAN INSURANCE
COMPANY,Insurance Carrier,
Defendants.

File No. 5068608

A P P E A L

D E C I S I O N

Head Notes: 1108.50; 1402.40; 1802; 1803;
2501; 2907; 5-9998

Claimant Dennis Maher appeals from an arbitration decision filed on October 27, 2020. Defendants Solar Transport, L.L.C., employer, and its insurer, Zurich American Insurance Company, respond to the appeal. The case was heard on July 28, 2020, and it was considered fully submitted in front of the deputy workers' compensation commissioner on August 24, 2020.

In the arbitration decision, the deputy commissioner found claimant failed to carry his burden of proof to establish his alleged back and leg symptoms are the result of the stipulated July 11, 2018, work injury. The deputy commissioner found claimant reached maximum medical improvement for his work-related neck injury on July 23, 2018. The deputy commissioner found claimant's symptoms after that date were not due to the work injury. The deputy commissioner found claimant was not entitled to temporary disability benefits after July 23, 2018. The deputy commissioner found claimant did not sustain any permanent disability as a result of the work injury. The deputy commissioner likewise found claimant is not entitled to payment or reimbursement for medical expenses incurred in November 2018.

Claimant asserts on appeal that the deputy commissioner erred in finding claimant failed to prove he sustained a work-related low back injury that resulted in permanent disability. Claimant likewise asserts he is entitled to temporary disability benefits and reimbursement for past requested 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 decision filed on October 27, 2020, which relate to the issues properly raised on intra-agency appeal.

I affirm the deputy commissioner's finding that claimant failed to prove he sustained a work-related injury to his lower back entitling him to temporary disability benefits, permanent disability benefits, or medical benefits. I affirm the deputy commissioner's findings, conclusions and analysis regarding those issues.

ORDER

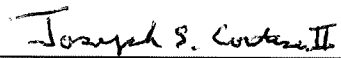
IT IS THEREFORE ORDERED that the arbitration decision filed on October 27, 2020, is affirmed in its entirety.

Claimant shall take nothing further from these proceedings.

Pursuant to rule 876 IAC 4.33, 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 27th day of July, 2021.



JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

The parties have been served as follows:

Willis Hamilton (via WCES)

Aaron Oliver (via WCES)