

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

FRANCES STALLMAN,

Claimant,

vs.

QUAKER OATS COMPANY,

Employer,

and

INDEMNITY INSURANCE CO.
OF NORTH AMERICA,

Insurance Carrier,
Defendants.

FILED

FEB 13 2019

WORKERS' COMPENSATION

File No. 5065202

RULING ON APPLICATION

FOR REHEARING

An arbitration decision was issued on January 25, 2015. The decision held:

In this case it was found that claimant had not suffered a total loss of earning capacity, consequently her entitlement to permanent disability benefits is measured functionally. The combined values chart in the AMA Guides to the Evaluation of Permanent Impairment, Fifth Edition, page 604, provides a combined value of 22 percent. Based upon the findings herein of a combined 22 percent impairment to the body as a whole as a result of the injury, claimant is entitled as a matter of law to 110 weeks of permanent partial disability benefits under Iowa Code section 85.34(2)(s), which is 22 percent of the 500 weeks, the maximum allowable for a simultaneous injury to two extremities in that subsection.

(Arbitration decision page 14)

The decision ordered; "Defendants shall pay claimant one hundred ten (110) weeks pf [sic] permanent partial disability benefits at the weekly rate of nine hundred six and 96/100 dollars (\$906.96) commencing March 20, 2018." (Arbitration decision page 21)

Defendants filed a timely motion to reconsider on February 5, 2019. Claimant filed a resistance to defendants' motion for reconsideration on February 11, 2019.

Both parties agree that the undersigned was incorrect in finding claimant had a 22 percent whole body impairment rating. Defendants assert that the decision did not convert the upper extremity ratings to whole body before applying the combined values chart contained on page 694 of the AMA Guides to the Evaluation of Permanent Impairment, Fifth Edition. Defendants assert that the correct calculation under the Guides would result in a 14 percent functional rating under the Guides. That claimant would then be entitled to 70 weeks of benefits.

Claimant asserts that under the Guides claimant's combined impairment rating is 23 percent to the whole body. That claimant would then be entitled to 115 weeks of benefits.

I find that defendants are correct in their calculation. I do not find claimant's argument that the injury to the hands should not be converted to the whole body before using the combined values table. Claimant did not provide any agency or court decision that adopt claimant's method of calculation for injuries under Iowa Code 85.34(2)(s).

Defendants' motion for reconsideration is granted.

The January 25, 2019 decision is modified and the paragraph shall be stricken (indicated by strike out) and substituted with the following paragraph.

~~In this case it was found that claimant had not suffered a total loss of earning capacity, consequently her entitlement to permanent disability benefits is measured functionally. The combined values chart in the AMA Guides to the Evaluation of Permanent Impairment, Fifth Edition, page 604, provides a combined value of 22 percent. Based upon the findings herein of a combined 22 percent impairment to the body as a whole as a result of the injury, claimant is entitled as a matter of law to 110 weeks of permanent partial disability benefits under Iowa Code section 85.34(2)(s), which is 22 percent of the 500 weeks, the maximum allowable for a simultaneous injury to two extremities in that subsection. :~~

In this case it was found that claimant had not suffered a total loss of earning capacity. Consequently, her entitlement to permanent disability benefits is measured functionally. The combined values chart in the AMA Guides to the Evaluation of Permanent Impairment, Fifth Edition, page 604, provides a combined value of 14 percent. Based upon the findings herein of a combined 14 percent impairment to the body as a whole as a result of the injury, claimant is entitled as a matter of law to 70 weeks of permanent partial disability benefits under Iowa Code section 85.34(2)(s), which is 14 percent of the 500 weeks, the maximum allowable for a simultaneous injury to two extremities in that subsection.

(Arbitration decision page 14)

The January 25, 2019 decision is modified and the paragraph shall be stricken (indicated by strike out) and substituted with the following paragraph.

~~Defendants shall pay claimant one hundred ten (110) weeks of permanent partial disability benefits at the weekly rate of nine hundred six and 96/100 dollars (\$906.96) commencing March 20, 2018.~~


Defendants shall pay claimant seventy (70) weeks of permanent partial disability benefits at the weekly rate of nine hundred six and 96/100 dollars (\$906.96) commencing March 20, 2018.

(Arbitration decision page 21)

THEREFORE IT IS ORDERED:

Defendants' motion for rehearing is granted.

Signed and filed this 13th day of February, 2019.


JAMES F. ELLIOTT
DEPUTY WORKERS'
COMPENSATION COMMISSIONER

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