

## BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

NICHOLAS JOHNSON,

Claimant,

vs.

CARRY-ON TRAILER, INC.,

Employer,

and

THE HARTFORD,

Insurance Carrier,  
Defendants.

File No. 21700162.01

A P P E A L

D E C I S I O N

Head Notes: 1402.40; 1803; 2502; 2907;  
5-9998

Claimant Nicholas Johnson appeals from an arbitration decision filed on May 25, 2022. Defendants Carry-On Trailer, Inc., employer, and its insurer, The Hartford, respond to the appeal. The case was heard on January 31, 2022, and it was considered fully submitted in front of the deputy workers' compensation commissioner on February 11, 2022.

In the arbitration decision, the deputy commissioner found claimant failed to carry his burden of proof to establish he sustained any permanent disability as a result of the stipulated work injury which occurred on April 29, 2019. The deputy commissioner found claimant is not entitled to receive any permanent disability benefits for the work injury. The deputy commissioner found that pursuant to Iowa Code section 85.39, claimant is not entitled to reimbursement from defendants for the cost of the independent medical evaluation (IME) of claimant performed by David Segal, M.D. The deputy commissioner ordered the parties to pay their own costs of the arbitration proceeding.

Claimant asserts on appeal that the deputy commissioner erred in finding claimant failed to prove he sustained any permanent disability as a result of the work injury. Claimant asserts the deputy commissioner erred in finding claimant is not entitled to receive any permanent disability benefits for the work injury. Claimant asserts the deputy commissioner erred in finding claimant is not entitled to reimbursement from defendants for the cost of Dr. Segal's IME.

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 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 arbitration decision filed on May 25, 2022, which relate to the issues properly raised on intra-agency appeal.

I find the deputy commissioner provided a well-reasoned analysis of all 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 failed to prove he sustained any permanent disability as a result of the work injury. I affirm the deputy commissioner's finding that claimant is not entitled to receive any permanent disability benefits for the work injury. I affirm the deputy commissioner's finding that pursuant to Iowa Code section 85.39, claimant is not entitled to reimbursement from defendants for the cost of Dr. Segal's IME. I affirm the deputy commissioner's order that the parties pay their own costs of the arbitration proceeding.

I affirm the deputy commissioner's findings, conclusions and analysis regarding the above-stated issues.

#### ORDER


IT IS THEREFORE ORDERED that the arbitration decision filed on May 25, 2022, is affirmed in its entirety.

Claimant shall take nothing further from these proceedings.

Pursuant to rule 876 IAC 4.33, the parties shall pay their own costs of the arbitration proceeding, and 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 12<sup>th</sup> day of August, 2022.



---

JOSEPH S. CORTESE II  
WORKERS' COMPENSATION  
COMMISSIONER

The parties have been served as follows:

Joanne Reed (via WCES)

Brian Marty (via WCES)

Tracy Vetter (via WCES)