

TAMMY SMITH,	:	File No. 5027183
Claimant,	:	
vs.	:	A R B I T R A T I O N
CROWN CRAFT PRINTING,	:	D E C I S I O N
Employer,	:	
Defendant.	:	Head Note No.: 2501

Tammy Smith, claimant, filed a petition in arbitration seeking workers' compensation benefits from Crown Craft Printing, defendant, as a result of an injury she allegedly sustained on February 7, 2007, that allegedly arose out of and in the course of her employment. This case came on for hearing at an adjourned hearing and was fully submitted in Des Moines, Iowa, on July 1, 2009. Defendant has been in default and did not participate in the hearing. The evidence in this case consists of medical bills filed with this agency by claimant on April 7, 2009.

Because an entry of default has been entered, the issues of whether there was an employer-employee relationship, whether claimant sustained an injury that arose out of and in the course of employment, and whether there is a causal connection between the injury and the alleged disability will not be discussed.

As a result of claimant's work related injury she has incurred medical expenses in the amount of \$8,464.52 from Lutheran Hospital and \$272.00 from Teri Formanek, M.D., for treatment of fingers on her hand. (Claimant's exhibits; original notice and petition)

### CONCLUSIONS OF LAW

The issue to be resolved is whether defendant is liable for claimant's unpaid medical expenses.

The party who would suffer loss if an issue were not established has the burden of proving that issue by a preponderance of the evidence. Iowa R. App. P. 6.14(6).

The employer shall furnish reasonable surgical, medical, dental, osteopathic, chiropractic, podiatric, physical rehabilitation, nursing, ambulance, and hospital services and supplies for all conditions compensable under the workers' compensation law. The employer shall also allow reasonable and necessary transportation expenses incurred for those services. The employer has the right to choose the provider of care, except where the employer has denied liability for the injury. Section 85.27. Holbert v. Townsend Engineering Co., Thirty-second Biennial Report of the Industrial Commissioner 78 (Review-Reopening October 1975).

Claimant incurred medical expenses for treatment of her work injury. Defendant is liable for those expenses.

### ORDER

THEREFORE, it is ordered:

That defendant shall pay claimant's medical expenses in the amounts of eight thousand four hundred sixty-four and 52/100 dollars (\$8,464.52) and two hundred seventy-two and no/100 dollars (\$272.00).

That defendant shall file subsequent reports of injury as required by this agency pursuant to rule 876 IAC 3.1(2).

That defendant shall pay the costs of this matter pursuant to rule 876 IAC 4.33.

Signed and filed this \_\_\_\_\_23rd\_\_\_\_\_ day of July, 2009.

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CLAIR R. CRAMER  
DEPUTY WORKERS'  
COMPENSATION COMMISSIONER

SMITH V. CROWN CRAFT PRINTING.

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CRC/dll

**Right to Appeal:** This decision shall become final unless you or another interested party appeals within 20 days from the date above, pursuant to rule 876-4.27 (17A, 86) of the Iowa Administrative Code. The notice of appeal must be in writing and received by the commissioner's office within 20 days from the date of the decision. The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday. The notice of appeal must be filed at the following address: Workers' Compensation Commissioner, Iowa Division of Workers' Compensation, 1000 E. Grand Avenue, Des Moines, Iowa 50319-0209.