

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

LARRY STULL,

Claimant,

vs.

KINZE MANUFACTURING, INC.,

Employer,

and

TRAVELERS INDEMNITY COMPANY  
OF CONNECTICUT,

Insurance Carrier,  
Defendants.

**FILED**

**AUG 30 2016**

**WORKERS' COMPENSATION**

File No. 5046819

**A P P E A L**

**D E C I S I O N**

Head Note Nos.: 1402.40, 2501

Claimant Larry Stull appeals from an arbitration decision filed on April 24, 2015. Defendants Kinze Manufacturing, Inc., employer, and Travelers Indemnity Company of Connecticut, its insurer, respond to the appeal. The case was heard on March 11, 2015, and it was considered fully submitted in front of the deputy workers' compensation commissioner on April 1, 2015.

The deputy commissioner found claimant failed to carry his burden of proof that he sustained permanent disability resulting from an injury arising out of and in the course of his employment on July 25, 2011. The deputy commissioner awarded claimant nothing. The deputy commissioner ordered defendants to pay claimant's medical expenses incurred up to November 28, 2011. The deputy commissioner found defendants are not liable for claimant's medical expenses incurred after November 28, 2011. The deputy commissioner ordered defendants to pay claimant's costs of the arbitration proceeding.

Claimant asserts on appeal that the deputy commissioner erred in finding claimant failed to carry his burden of proof that he sustained permanent disability resulting from the July 25, 2011, work-related injury. Claimant asserts the deputy commissioner erred in failing to find claimant is entitled to permanent total disability benefits as a result of the July 25, 2011, work-related injury.

Defendants assert on appeal that the arbitration decision should be affirmed in its entirety.

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 April 24, 2015, 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 failed to carry his burden of proof that he sustained permanent disability resulting from the July 25, 2011, work-related injury. I affirm the deputy commissioner's finding that claimant is not entitled to permanent disability benefits as a result of the July 25, 2011, work-related injury. I affirm the deputy commissioner's finding that defendants are liable for claimant's medical expenses incurred up to November 28, 2011, and defendants are not liable for claimant's medical expenses incurred after November 28, 2011. I affirm the deputy commissioner's findings, conclusions and analysis regarding those issues.

#### ORDER

IT IS THEREFORE ORDERED that the arbitration decision of April 24, 2015, is affirmed in its entirety.

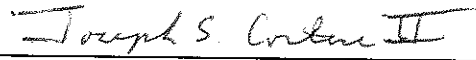
Claimant shall take nothing in the way of permanent partial disability benefits from this proceeding.

Defendants shall pay claimant's medical expenses incurred up to November 28, 2011. Defendants are not liable for any medical expenses incurred after that date.

Pursuant to rule 876 IAC 4.33, defendants shall pay claimant's costs of the arbitration proceeding and claimant shall pay the costs of the appeal, including the cost of the hearing transcript.

Defendants shall file subsequent reports of injury as required under rule 876 IAC 3.1(2).

Signed and filed this 30<sup>th</sup> day of August, 2016.



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JOSEPH S. CORTESE II  
WORKERS' COMPENSATION  
COMMISSIONER

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