

## BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

SEBASTIANO OROZCO,

Claimant,

vs.

CITY OF FORT DODGE-BLANDEN  
MUSEUM,

Employer,

and

IMWCA,

Insurance Carrier,  
Defendants.

File No. 21002991.01

A P P E A L

D E C I S I O N

: Head Notes: 1402.20; 1402.40; 1403;  
: 1801; 1803; 2401; 2907;  
: 5-9998

Claimant Sebastiano Orozco appeals from an arbitration decision filed on November 10, 2022. Defendants City of Fort Dodge-Blanden Museum, employer, and its insurer, IMWCA, respond to the appeal. The case was heard on April 25, 2022, and it was considered fully submitted in front of the deputy workers' compensation commissioner on June 10, 2022.

In the arbitration decision, the deputy commissioner found claimant failed to carry his burden of proof to establish he sustained any temporary or permanent disability as a result of the work-related injury which occurred on March 19, 2019. Because the deputy commissioner found against claimant on the issue of causation, the deputy commissioner found claimant is not entitled to receive any temporary disability benefits or any permanent disability benefits in this matter. The deputy commissioner found claimant is not entitled to payment by defendants of the requested past medical expenses. 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 temporary and permanent disability as a result of the work injury, and in finding claimant is not entitled to receive temporary disability benefits and permanent disability benefits. Claimant asserts the deputy commissioner

erred in finding claimant is not entitled to payment by defendants of the requested past medical expenses. Claimant asserts the deputy commissioner erred in finding claimant is not entitled to payment by defendants of claimant's costs of the arbitration proceeding.

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 arbitration decision filed on November 10, 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 temporary or permanent disability as a result of the March 19, 2019, work injury, and I affirm the deputy commissioner's finding that claimant is not entitled to receive temporary disability benefits or permanent disability benefits. I affirm the deputy commissioner's finding that claimant is not entitled to payment by defendants of the requested past medical expenses. I affirm the deputy commissioner's finding that claimant is not entitled to payment by defendants of claimant's costs of the arbitration proceeding.

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

#### ORDER

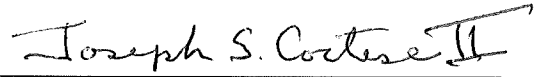
IT IS THEREFORE ORDERED that the arbitration decision filed on November 10, 2022, is affirmed in its entirety.

Claimant shall take nothing 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 15<sup>th</sup> day of March, 2023.

Handwritten signature of Joseph S. Cortese II in black ink.

---

JOSEPH S. CORTESE II  
WORKERS' COMPENSATION  
COMMISSIONER

The parties have been served as follows:

Janece Valentine (via WCES)

Jane Lorentzen (via WCES)

Adam Kiel (via WCES)