

## BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

TIMOTHY PRUIS,

Claimant,

vs.

MEDPLAST,

Employer,

and

CONTINENTAL INDEMNITY CO.,

Insurance Carrier,  
Defendants.

File No. 5058256

A P P E A L

D E C I S I O N

Head Notes: 1108.50; 1402.40; 1804;  
2204; 2501; 2907; 5-9998

Defendants Medplast, employer, and its insurer, Continental Indemnity Co., appeal from an arbitration decision filed on November 23, 2020. Claimant Timothy Pruis responds to the appeal. The case was heard on July 22, 2020, and it was considered fully submitted in front of the deputy workers' compensation commissioner on September 14, 2020.

In the arbitration decision, the deputy commissioner found claimant sustained injuries to his cervical spine, his head and his vision as a result of the stipulated August 11, 2016, work injury. The deputy commissioner also found claimant sustained a physical-mental injury as a result of the work injury. The deputy commissioner found claimant had reached maximum medical improvement (MMI), meaning the extent of claimant's permanent disability was ripe for determination. The deputy commissioner found claimant is permanently and totally disabled as a result of the work injury. The deputy commissioner found defendants are responsible for all reasonable and necessary ongoing medical treatment, including the recommended chiropractic treatment. The deputy commissioner also ordered defendants to pay for claimant's requested past medical expenses and related mileage. The deputy commissioner found claimant failed to prove entitlement to penalty benefits. Finally, the deputy commissioner assessed claimant's costs of the arbitration proceeding, and the deputy commissioner ordered defendants to pay for claimant's independent medical examinations (IMEs) based on the prior agency orders that became final upon defendants' failure to appeal.

On appeal, defendants assert the deputy commissioner erred in determining claimant sustained permanent injuries to his head, his neck, his vision and his mental

health as a result of the work injury. Defendants likewise argue the deputy commissioner erred in finding claimant is permanently and totally disabled as a result of the work injury. Defendants assert the deputy erred in ordering defendants to reimburse claimant for the requested past medical expenses and the IMEs.

Claimant asserts 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.

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 23, 2020, which relate to the issues properly raised on intra-agency appeal.

I find the deputy commissioner provided a well-reasoned analysis of all 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 sustained permanent disability as a result of the work injury to his head, neck, vision and mental health. More specifically, I affirm the deputy commissioner's finding that claimant is permanently and totally disabled as a result of the work injury. I affirm the deputy commissioner's finding that defendants are responsible for all reasonable and necessary ongoing medical treatment, including the recommended chiropractic treatment. I affirm the deputy commissioner's finding that claimant is entitled to reimbursement for the requested past medical expenses and mileage. I affirm the deputy commissioner's finding that defendants are responsible for reimbursement to claimant for his IMEs based on prior agency orders that defendants failed to appeal.

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 23, 2020, is affirmed in its entirety.

Defendants shall pay claimant permanent total disability benefits at the stipulated weekly rate of seven hundred forty-six and 62/100 dollars (\$746.62). from August 11, 2016, through the date of the arbitration hearing and into the future during the period of claimant's continued disability. Benefits are not owed during claimant's periods of employment with the subsequent employers.

Defendants shall receive credit for all benefits paid to date.

Defendants shall pay accrued weekly benefits in a lump sum together with interest at the rate of ten percent for all weekly benefits payable and not paid when due which accrued before July 1, 2017, and all interest on past due weekly compensation benefits accruing on or after July 1, 2017, shall be payable at an annual rate equal to the one-year treasury constant maturity published by the federal reserve in the most recent H15 report settled as of the date of injury, plus two percent. See Gamble v. AG Leader Technology, File No. 5054686 (App. Apr. 24, 2018).

Defendants shall pay for requested past medical expenses and outstanding medical mileage as set forth in the arbitration decision.

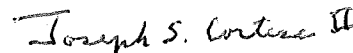
Defendants shall reimburse claimant for his IMEs based on prior agency orders defendants failed to appeal.

Defendants are responsible to furnish all reasonably necessary ongoing medical treatment for the work injury pursuant to Iowa Code section 85.27, Code of Iowa.

Pursuant to rule 876 IAC 4.33, defendants shall reimburse claimant's costs of the arbitration proceeding as set forth in the arbitration decision, and defendants shall bear 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 (SROI) as required by this agency.

Signed and filed on this 28<sup>th</sup> day of April, 2021.

  
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JOSEPH S. CORTESE II  
WORKERS' COMPENSATION  
COMMISSIONER

The parties have been served as follows:

Mark Sullivan (via WCES)

Lindsey Mills (via WCES)