

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

DEAN HOFFMAN,

Claimant,

vs.

CURRIES MFG.,

Employer,

and

TRAVELERS INDEMNITY CO. OF CT.,

Insurance Carrier,
Defendants.

File No. 5056295

A P P E A L

D E C I S I O N

Head Note Nos: 1108.50; 1402.20; 5-9998

Claimant Dean Hoffman appeals from an arbitration decision filed on January 17, 2018. Defendants Curries Mfg., employer, and Travelers Indemnity Co. of CT, insurance carrier, respond to the appeal. The case was heard on September 13, 2017, and it was considered fully submitted in front of the deputy workers' compensation commissioner on October 16, 2017.

The deputy commissioner found claimant failed to carry his burden of proof to establish that his bilateral knee replacement surgeries he underwent on November 14, 2013, were causally related to the stipulated work injury which arose out of and in the course of claimant's employment with defendant-employer on March 5, 2007. Because the deputy commissioner found claimant failed to prove causation and compensability with regard to his bilateral knee replacement surgeries, the deputy commissioner found all other issues raised in this matter are moot, including (1) whether claimant provided timely notice of the alleged injury to defendants under Iowa Code section 85.23, (2) whether claimant's claim for benefits is barred by the application of Iowa Code section 85.26, (3) whether claimant is entitled to receive temporary disability benefits, (4) whether claimant is entitled to receive permanent disability benefits, (5) whether claimant is entitled to receive reimbursement from defendants for 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 carry his burden of proof to establish that his bilateral knee replacement surgeries were causally related to the March 5, 2007, work injury. Claimant asserts the deputy commissioner erred in finding all other issues raised in this matter are moot.

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.

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 January 17, 2018, 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 failed to carry his burden of proof to establish that his bilateral knee replacement surgeries were causally related to the March 5, 2007, work injury. I affirm the deputy commissioner's finding that all other issues raised in this matter are moot. 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 issues.

ORDER

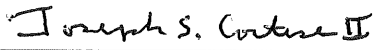
IT IS THEREFORE ORDERED that the arbitration decision filed on January 17, 2018, is affirmed in its entirety.

Claimant shall take nothing from these proceedings.

Pursuant to rule 876 IAC 4.33, the parties shall pay their 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 10th day of September, 2019.



JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

Copies to:

James T. Fitzsimmons
Attorney at Law
5 North Federal Ave., Ste. 200
Mason City, IA 50401
fitz@netconx.net

James M. Ballard
Attorney at Law
14225 University Ave., Ste. 142
Waukee, IA 50263
jballard@jmbfirm.com