

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

SHARON MURRAY as Conservator
of WILLIAM MEYERS,

Claimant,

vs.

LAZER SPOT, INC.,

Employer,

and

GREAT AMERICAN ALLIANCE
INSURANCE CO.,

Insurance Carrier,
Defendants.

File No. 21004833.01

A P P E A L

D E C I S I O N

Headnotes: 1402.30; 2502; 2907; 5-9998

Claimant Sharon Murray, as conservator of William Meyers, appeals from an arbitration decision filed on July 28, 2022. Defendants Laser Spot Inc., employer, and its insurer, Great American Alliance Insurance Co., respond to the appeal. The case was heard on April 22, 2022, and it was considered fully submitted in front of the deputy workers' compensation commissioner on May 20, 2022.

At the arbitration hearing, the deputy commissioner overruled claimant's objections to the reports and statements of Don Presley, Karen Baker, an OSHA report, and the report of Andrew Rentschler, Ph.D., and the deputy commissioner admitted those items into evidence. In the arbitration decision, the deputy commissioner found claimant failed to carry his burden of proof to establish he sustained a work-related injury on March 2, 2019, as alleged. Because the deputy commissioner found against claimant on the issues of causation and compensability, the deputy commissioner found the other issues raised in this matter are moot. The deputy commissioner also found that pursuant to Iowa Code section 85.39, claimant is not entitled to reimbursement from defendants for the cost of the independent medical evaluation (IME) of claimant performed by David Segal, M.D. 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 admitting the reports and statements of Don Presley, Karen Baker, the OSHA report, and the report of Andrew Rentschler, Ph.D., into evidence. Claimant asserts the deputy commissioner erred finding claimant failed to prove he sustained a work-related injury as alleged. Claimant asserts the deputy commissioner erred in finding the other issues raised in this matter are moot. Claimant asserts the deputy commissioner erred in finding that pursuant to Iowa Code section 85.39, claimant is not entitled to reimbursement from defendants for the cost of Dr. Segal's IME. Claimant asserts the deputy commissioner erred in failing to order defendants to pay claimant's costs of the arbitration proceeding.

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 July 28, 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 ruling admitting into evidence the reports and statements of Don Presley, Karen Baker, the OSHA report, and the report of Andrew Rentschler, Ph.D. I affirm the deputy commissioner's finding that claimant failed to prove he sustained a work-related injury on March 2, 2019, as alleged. Because I affirm the deputy commissioner's finding against claimant on the issues of causation and compensability, I affirm the deputy commissioner's finding that the other issues raised in this matter are moot. I affirm the deputy commissioner's finding that pursuant to Iowa Code section 85.39, claimant is not entitled to reimbursement from defendants for the cost of Dr. Segal's IME. 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-stated issues.

ORDER

IT IS THEREFORE ORDERED that the arbitration decision filed on July 28, 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 14th day of December, 2022.



JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

The parties have been served as follows:

Saffin Parrish-Sams (via WCES)

Paul Salabert, Jr. (via WCES)

Lindsey Mills (via WCES)