

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

ANGELA JACKSON AS SURVIVING SPOUSE OF MAX JACKSON,

Claimant,

vs.

BRIDGESTONE AMERICAS TIRE OPERATIONS, LLC,

Employer,

and

OLD REPUBLIC INSURANCE COMPANY,

Insurance Carrier, Defendants.

File No. 5060852

A P P E A L

D E C I S I O N

Head Notes: 1100; 1108.20; 1402.30 1602; 2204; 2907; 5-9998

Claimant Angela Jackson, surviving spouse of Max Jackson, appeals from an arbitration decision filed on March 8, 2019. Defendants Bridgestone Americas Tire Operations, LLC, employer, and its insurer, Old Republic Insurance Company, respond to the appeal. The case was heard on January 23, 2019, and it was considered fully submitted in front of the deputy workers' compensation commissioner on February 25, 2019.

In the arbitration decision, the deputy commissioner found claimant failed to carry her burden of proof to establish that the suicide of Max Jackson on August 8, 2016, arose out of and in the course of Mr. Jackson's employment with defendant-employer. The deputy commissioner found that because claimant failed to prove compensability of Mr. Jackson's suicide, claimant is not entitled to any recovery in this matter. 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 Max Jackson's suicide did not arise out of and in the course of his employment and is not compensable. Claimant asserts the deputy commissioner erred in failing to award survivor benefits to claimant.

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 March 8, 2019, 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 prove Max Jackson's suicide arose out of and in the course of his employment and is not compensable. I affirm the deputy commissioner's finding that claimant is not entitled to receive survivor benefits in this matter. 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 those issues.

This is an extremely sad and unfortunate case, and I extend my sincerest condolences to Mrs. Jackson and to the Jackson family for their tragic loss.

ORDER

IT IS THEREFORE ORDERED that the arbitration decision filed on March 8, 2019, 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), defendant shall file subsequent reports of injury as required by this agency.

Signed and filed on this 7th day of May, 2020.

Joseph S. Cortese II

JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

The parties have been served as follows:

Mark Hedberg Via WCES

Timothy W. Wegman Via WCES