

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

PAMELA L. HANSEN,

Claimant,

vs.

MERCY MEDICAL CENTER,

Employer,
Self-Insured,
Defendant.

File No. 5059252

A P P E A L

D E C I S I O N

Head Notes: 1100; 1402.30; 1802; 2501;
2907; 5-9998

Defendant Mercy Medical Center, self-insured employer, appeals from an arbitration decision filed on May 24, 2019. Claimant Pamela Hansen responds to the appeal. The case was heard on May 3, 2019, and it was considered fully submitted in front of the deputy workers' compensation commissioner on May 17, 2019.

The deputy commissioner found claimant carried her burden of proof to establish that the stipulated injury, which occurred on November 8, 2016, arose out of and in the course of claimant's employment with defendant. The deputy commissioner found claimant is entitled to receive healing period benefits for the injury from November 28, 2016, through January 4, 2017, from June 30, 2017, through July 24, 2017, and from January 14, 2019, through March 17, 2019. The deputy commissioner found claimant is entitled to payment by defendant for the requested past medical expenses and medical mileage itemized in Exhibits 8 and 9. The deputy commissioner found claimant is not entitled to receive penalty benefits from defendant. The deputy commissioner ordered defendant to pay claimant's costs of the arbitration proceeding in the amount of \$381.07.

Defendant asserts on appeal that the deputy commissioner erred in finding claimant proved her injury arose out of her employment.

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 May 24, 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 carried her burden of proof to establish that November 8, 2016, injury arose out of and in the course of her employment with defendant. I affirm the deputy commissioner's finding that claimant is entitled to receive healing period benefits for the injury from November 28, 2016, through January 4, 2017, from June 30, 2017, through July 24, 2017, and from January 14, 2019, through March 17, 2019. I affirm the deputy commissioner's finding that claimant is entitled to payment by defendant for the requested past medical expenses and medical mileage itemized in Exhibits 8 and 9. I affirm the deputy commissioner's finding that claimant is not entitled to receive penalty benefits from defendant. I affirm the deputy commissioner's order that defendant pay claimant's costs of the arbitration proceeding in the amount of \$381.07.

I affirm the deputy commissioner's findings, conclusions and analysis regarding those issues.

ORDER

IT IS THEREFORE ORDERED that the arbitration decision filed on May 24, 2019, is affirmed in its entirety.

Defendant shall pay claimant healing period benefits at the stipulated weekly rate of six hundred four and 26/100 dollars (\$604.26) from November 28, 2016, through January 4, 2017, from June 30, 2017, through July 24, 2017, and from January 14, 2019, through March 17, 2019.

Defendant shall receive credit for all weekly benefits paid to date. The parties have stipulated defendant is entitled to a credit of five point eight five seven (5.857) weeks at the weekly rate of five hundred ninety-five and 04/100 dollars (\$595.04).

Defendant 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).

Defendant shall reimburse claimant for her out-of-pocket medical expenses and mileage expense itemized in Exhibits 8 and 9, and defendant shall pay, reimburse, and/or otherwise satisfy all remaining medical expenses itemized in Exhibits 8 and 9.

Pursuant to rule 876 IAC 4.33, defendant shall pay claimant's costs of the arbitration proceeding in the amount of three hundred eighty-one and 07/100 dollars (\$381.07), and defendant 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 8th day of May, 2020.

Joseph S. Cortese II

JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

The parties have been served as follows:

Casey Steadman Via WCES

Thomas D. Wolle Via WCES