



also ordered defendants to pay claimant's costs of the arbitration proceeding in the amount of \$100.00.

Defendants asserts on appeal that the deputy commissioner erred in finding claimant carried his burden of proof that he is permanently and totally disabled as a result of the work injury. Defendants assert the deputy commissioner erred in failing to find that claimant is entitled to some amount of industrial disability which is substantially less than permanent total disability. Defendants assert the deputy commissioner erred in finding claimant carried his burden of proof that he sustained permanent mental injuries as a result of the work injury. Defendants assert the deputy commissioner erred in finding claimant is entitled to reimbursement and/or direct payment to the providers by defendants for the expenses itemized in Exhibits 16 through 20. Defendants assert the deputy commissioner erred in finding claimant is entitled to payment by defendants for ongoing mental health counseling. Defendants assert the deputy commissioner erred in finding claimant is entitled to payment by defendants for medication management of claimant's mental health injuries. Defendants assert the deputy commissioner erred in finding claimant is entitled to payment by defendants for a gym membership.

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.

Having performed a de novo review of the evidentiary record and the detailed arguments of the parties, I reach the same analysis, findings, and conclusions as those reached by the deputy commissioner.

Pursuant to Iowa Code sections 86.24 and 17A.15, I affirm and adopt as the final agency decision those portions of the proposed arbitration decision filed in this matter on March 15, 2016, which relate to issues properly raised on intra-agency appeal.

I find the deputy commissioner provided sufficient analysis of the issues raised in the arbitration proceeding. I affirm the deputy commissioner's finding that claimant carried his burden of proof that he sustained permanent total disability as a result of the work injury. I affirm the deputy commissioner's finding that claimant is permanently and totally disabled using either the traditional industrial disability analysis or using the odd-lot analysis. I affirm the deputy commissioner's finding that claimant carried his burden of proof that he sustained permanent mental injuries as well as permanent physical injuries as a result of the work injury. I affirm the deputy commissioner's finding that claimant is entitled to reimbursement and/or direct payment to the providers by defendants for all of the requested past medical and other charges necessitated by the work injury which are itemized in Exhibits 16 through 20. I affirm the deputy commissioner's finding that claimant is entitled to payment by defendants for ongoing mental health counseling with a psychologist or mental health therapist of defendants'

choosing. I affirm the deputy commissioner's finding that claimant is entitled to payment by defendants for a gym membership for such period as the gym membership remains medically reasonable and necessary. I also affirm the deputy commissioner's order that defendants pay claimant's costs of the arbitration proceeding in the amount of \$100.00. I affirm the deputy commissioner's findings, conclusions and analysis regarding those issues.

#### ORDER

IT IS THEREFORE ORDERED that the arbitration decision filed on March 15, 2016, is affirmed in its entirety.

Defendants shall pay claimant permanent total disability benefits commencing on May 19, 2013, at the stipulated weekly rate of three hundred fifty-nine and 67/100 dollars (\$359.67) and continuing into the future so long as claimant shall remain totally disabled.

Defendants shall receive credit for all benefits previously paid.

Defendants shall pay accrued weekly benefits in a lump sum together with interest pursuant to Iowa Code section 85.30.

Defendants shall pay all of the providers, reimburse claimant, reimburse all third party payers, or otherwise satisfy and hold claimant harmless for all medical and all other related expenses itemized in Exhibits 16 through 20.

Defendants shall authorize and pay for ongoing and future mental health counseling with a psychologist or mental health therapist of defendants' choosing.

Defendants shall authorize and pay for medication management of claimant's mental health injuries through a psychiatric expert of defendants' choosing.

Defendants shall provide claimant an ongoing and future gym membership for such period as the gym membership remains medically reasonable and necessary.

Pursuant to rule 876 IAC 4.33, defendants shall pay claimant's costs of the arbitration proceeding in the amount of \$100.00, and defendants 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 25<sup>th</sup> day of September, 2017.

*Joseph S. Cortese II*

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COMMISSIONER

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