

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

HEATHER L. SWEENEY,

Claimant,

vs.

JOHN DEERE DAVENPORT WORKS,

Employer,
Self-Insured,
Defendant.

FILED

JAN 31 2018

WORKERS' COMPENSATION

File No. 5050662

A P P E A L

D E C I S I O N

Head Note Nos: 1100; 2907

Claimant Heather L. Sweeney appeals from an arbitration decision filed on May 9, 2016. Defendant John Deere Davenport Works, self-insured employer, cross-appeals. The case was heard on September 8, 2015, and it was considered fully submitted in front of the deputy workers' compensation commissioner on October 20, 2015.

The deputy commissioner found claimant sustained an injury to her right upper extremity on April 1, 2014, which arose out of and in the course of claimant's employment with defendant, which injury the deputy commissioner found consisted of a right wrist sprain and de Quervain's tenosynovitis. The deputy commissioner found claimant failed to carry her burden of proof that her bilateral carpal tunnel syndrome was related to the work injury. The deputy commissioner found claimant failed to carry her burden of proof that the right wrist sprain and the de Quervain's tenosynovitis resulted in any temporary or permanent disability. The deputy commissioner found claimant is entitled to receive nothing in the way temporary or permanent disability benefits for the work injury. The deputy commissioner ordered defendant to pay claimant's costs of the arbitration proceeding in the amount of \$1,375.70.

Claimant asserts on appeal that the deputy commissioner erred in finding claimant failed to carry her burden of proof that the work injury caused claimant's bilateral carpal tunnel syndrome. Claimant asserts the deputy commissioner erred in finding claimant is entitled to receive nothing in the way of temporary or permanent disability benefits for the work injury.

Defendant asserts on cross-appeal that the deputy commissioner erred in ordering defendants to pay claimant's costs of the arbitration proceeding because claimant failed to prevail on any of the issues raise in the arbitration proceeding.

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, 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 May 9, 2016, which relate to the following issues:

I affirm the deputy commissioner's finding that claimant sustained a work-related injury to her right upper extremity on April 1, 2014, which consisted of a right wrist sprain and de Quervain's tenosynovitis. I affirm the deputy commissioner's finding that claimant failed to carry her burden of proof that her bilateral carpal tunnel syndrome was causally related to the work injury. I affirm the deputy commissioner's finding that claimant failed to prove the right wrist sprain and the de Quervain's tenosynovitis resulted in any temporary or permanent disability. I affirm the deputy commissioner's finding that claimant is entitled to receive nothing in the way of temporary or permanent disability benefits for the work injury.

I reverse the deputy commissioner's award of costs because claimant failed to prevail on any issues in the arbitration proceeding. I find the parties should bear their own costs of the arbitration proceeding.

ORDER

IT IS THEREFORE ORDERED that the arbitration decision filed on May 9, 2016, is MODIFIED as follows:

Claimant shall take nothing from these proceedings.

Pursuant to rule 876 IAC 4.33, the parties shall bear 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 31st day of January, 2018.



JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

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