

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

MIKE MOSLEY,

Claimant,

vs.

PRESTAGE FOODS OF IOWA, LLC,

Employer,

and

SAFETY NATIONAL CASUALTY CORP.,

Insurance Carrier,
Defendants.

File No. 19006047.01

A P P E A L

D E C I S I O N

: Head Notes: 1402.30; 1402.40; 1801; 1801.1;
: 1803; 2701; 2907; 5-9998

Claimant Mike Mosley appeals from an arbitration decision filed on December 18, 2020. Defendants Prestage Foods of Iowa, LLC, employer, and its insurer, Safety National Casualty Corp., cross-appeal. The case was heard on September 25, 2020, and it was considered fully submitted in front of the deputy workers' compensation commissioner on October 23, 2020.

In the arbitration decision, the deputy commissioner found claimant carried his burden of proof to establish he sustained a work-related injury to his right shoulder on April 4, 2019. The deputy commissioner found claimant failed to carry his burden of proof to establish he sustained a work-related injury to his neck on April 4, 2019, as alleged. The deputy commissioner found the injury to claimant's right shoulder was temporary only and did not cause any permanent disability. The deputy commissioner found claimant was not entitled to receive any temporary disability benefits or any permanent disability benefits for the work injury. The deputy commissioner found claimant is not entitled to alternate medical care for the work injury. 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 the work-related right shoulder injury was only temporary. Claimant asserts the deputy commissioner erred in finding claimant sustained no permanent disability as a result of the work injury. Claimant asserts the deputy commissioner erred in failing to award

claimant temporary disability benefits and permanent disability benefits for the work injury. Claimant asserts the deputy commissioner erred in finding claimant is not entitled to alternate medical care for the work injury. Claimant asserts the deputy commissioner erred in failing to tax claimant's costs of the arbitration proceeding against defendants.

Defendants assert on cross-appeal that the deputy commissioner erred in finding claimant sustained a work-related injury to his right shoulder on April 4, 2019.

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 December 18, 2020, 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 proved he sustained a work-related injury to his right shoulder on April 4, 2019. I affirm the deputy commissioner's finding that claimant failed to prove he sustained a work-related injury to his neck on April 4, 2019, as alleged. I affirm the deputy commissioner's finding that the injury to claimant's right shoulder was temporary only and did not cause any permanent disability. I affirm the deputy commissioner's finding that claimant is not entitled to receive any temporary disability benefits or any permanent disability benefits for the work injury. I affirm the deputy commissioner's finding that claimant is not entitled to alternate medical care for the work injury. 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.

ORDER

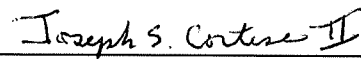
IT IS THEREFORE ORDERED that the arbitration decision filed on December 18, 2020, is affirmed in its entirety.

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 the parties shall split 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 (SROI) as required by this agency.

Signed and filed on this 13th day of May, 2021.



JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

The parties have been served as follows:

Robert C. Gainer (via WCES)

Jennifer Clendenin (via WCES)