

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

DAVID SOAT,

Claimant,

vs.

FLEXSTEEL INDUSTRIES, INC.,

Employer,  
Self-Insured,  
Defendant.

File Nos. 5050596, 5050597

**FILED**

**SEP 22 2017**

A P P E A L

D E C I S I O N

WORKERS' COMPENSATION

Head Note Nos: 1703, 1803, 2505, 2907,  
5-9998

Claimant David Soat appeals from an arbitration decision filed on March 14, 2016. Defendant Flexsteel Industries, Inc., self-insured employer, responds to the appeal. The case was heard on November 20, 2015, and it was considered fully submitted in front of the deputy workers' compensation commissioner on January 8, 2016.

In File No. 5050596, claimant sustained a stipulated left shoulder injury on October 22, 2010, which arose out of and in the course of his employment with defendant. For that injury, the deputy commissioner found claimant sustained 15 percent industrial disability, which entitles claimant to 75 weeks of permanent partial disability (PPD) benefits at the stipulated weekly rate commencing on August 10, 2011.

In File No. 5050597, claimant sustained a stipulated right shoulder injury on June 21, 2013, which arose out of and in the course of his employment with defendant. The deputy commissioner found pursuant to Iowa Code section 85.34(7)(b)(1), the successive disabilities provision of the Iowa Workers' Compensation Act, claimant sustained 20 percent industrial disability from the combined effects of the October 22, 2010, work injury and the June 21, 2013, work injury. The deputy commissioner found defendant is entitled to a credit against the 20 percent industrial disability for the 15 percent industrial disability awarded to claimant for the October 22, 2010, work injury. The deputy commissioner found claimant is entitled to an additional 25 weeks of PPD benefits at the stipulated weekly rate for the June 21, 2013, work injury, commencing on March 10, 2014.

In both files, the deputy commissioner found claimant is entitled to reimbursement in the amount of \$879.48 from defendant for medical mileage as summarized and itemized in the attachments to the hearing reports. The deputy commissioner also ordered defendant to pay claimant's costs of the arbitration proceeding in the amount of \$232.50.

In File No. 5050596, claimant asserts on appeal that the deputy commissioner erred in failing to award substantially more than 15 percent industrial disability for the October 22, 2010, left shoulder injury.

In File No. 5050597, claimant asserts on appeal that the deputy commissioner erred in failing to award substantially more than 20 percent industrial disability, with a credit for the 15 percent industrial disability awarded in File No. 5050596, for the combined effects of the two work injuries.

Defendant 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 17A.5 and 86.24, I affirm and adopt as the final agency decision those portions of the proposed arbitration decision filed on March 14, 2016, which relate to the 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 findings of fact and conclusions of law pertaining to those issues.

In File No. 5050596 I affirm the deputy commissioner's finding that claimant sustained 15 percent industrial disability for the October 22, 2010, work injury.

In File No. 5050597, I affirm the deputy commissioner's finding that pursuant to Iowa Code section 85.34(7)(b)(1), claimant sustained 20 percent industrial disability from the combined effects of the October 22, 2010, work injury and the June 21, 2013, work injury. I affirm the deputy commissioner's finding that defendant is entitled to a credit against the 20 percent industrial disability for the 15 percent industrial disability awarded for the October 22, 2010, work injury. I affirm the deputy commissioner's finding that claimant is entitled to an additional 25 weeks of PPD benefits at the stipulated weekly rate, commencing on March 10, 2014, for the June 21, 2013, work injury.

In both files, I affirm the deputy commissioner's finding that claimant is entitled to reimbursement in the amount of \$879.48 from defendant for medical mileage. I also affirm the deputy commissioner's order that defendant pay claimant's costs of the arbitration proceeding in the amount of \$232.50.

I affirm the deputy commissioner's findings, conclusions and analysis regarding all of the above issues.

ORDER

IT IS THEREFORE ORDERED that the arbitration decision filed on March 14, 2016, is affirmed in its entirety.

**Regarding File No. 5050596, injury date of October 22, 2010, involving claimant's left shoulder:**

Defendant shall pay claimant seventy-five (75) weeks of permanent partial disability benefits commencing on August 10, 2011, at the stipulated weekly rate of seven hundred nine and 58/100 dollars (\$709.58).

**Regarding File No. 5050597, injury date of June 21, 2013, involving claimant's right shoulder:**

After credit for benefits paid in File No. 5050596, defendant shall pay claimant an additional twenty-five (25) weeks of permanent partial disability benefits commencing on March 10, 2014, at the stipulated weekly rate of nine hundred thirty-four and 26/100 dollars (\$934.26).

**Regarding both files:**

Defendant shall pay interest on all accrued weekly benefits pursuant to Iowa Code section 85.30.

Defendant shall reimburse claimant's medical mileage as summarized and itemized in the attachments to the hearing reports in the total amount of \$879.48.

Pursuant to rule 876 IAC 4.33, defendant shall pay claimant's costs of the arbitration proceeding in the amount of \$232.50, 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 this 22<sup>nd</sup> day of September, 2017.



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JOSEPH S. CORTESE II  
WORKERS' COMPENSATION  
COMMISSIONER

Copies To:

Mark J. Sullivan  
Attorney at Law  
PO Box 239  
Dubuque, IA 52004-0239  
[sullivan@rkenline.com](mailto:sullivan@rkenline.com)

Edward Rose  
Attorney at Law  
1900 E. 54th St.  
Davenport, IA 52807-2708  
[ejr@bettylawfirm.com](mailto:ejr@bettylawfirm.com)