

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

MARK MAURER,

Claimant,

vs.

GERDAU AMERISTEEL U.S. CORP.,

Employer,

and

AMERICAN ZURICH INS. CO.,

Insurance Carrier,
Defendants.

FILED

JUN 20 2018

WORKERS' COMPENSATION

File No. 5056359

A P P E A L

D E C I S I O N

Head Note Nos: 1803; 5-9998

Claimant Mark Maurer appeals from an arbitration decision filed on September 12, 2017. Defendants Gerdau Ameristeel U.S. Corp., employer, and its insurer, American Zurich Insurance Company, respond to the appeal. The case was heard on April 6, 2017, and it was considered fully submitted in front of the deputy workers' compensation commissioner at the conclusion of the arbitration hearing.

The deputy commissioner found claimant sustained five percent industrial disability as a result of the stipulated injury which arose out of and in the course of claimant's employment with defendant-employer on August 13, 2013, which entitles claimant to receive 25 weeks of permanent partial disability (PPD) benefits commencing on January 15, 2015. The deputy commissioner ordered defendants to pay claimant's costs of the arbitration proceeding in the amount of \$100.00.

Claimant asserts on appeal that the deputy commissioner erred in awarding five percent industrial disability. Claimant asserts the deputy commissioner should have awarded substantially more than five percent industrial disability for the work injury.

Defendants assert 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 September 12, 2017, which relate to the issues properly raised on intra-agency appeal.

I find the deputy commissioner provided a well-reasoned 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. I affirm the deputy commissioner's finding that claimant sustained five percent industrial disability as a result of the work injury. I 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 September 12, 2017, is affirmed in its entirety.

Defendants shall pay claimant twenty-five (25) weeks of permanent partial disability benefits commencing on January 15, 2015, at the stipulated weekly rate of nine hundred twenty-eight and 46/100 dollars (\$928.46).

Defendants shall receive a 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.

Pursuant to rule 876 IAC 4.33, defendants shall pay claimant's costs of the arbitration proceeding in the amount of \$100.00, and claimant 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 20th day of June, 2018.



JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

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