

## BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

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DONNA BOLTON, SURVIVING  
SPOUSE OF STEVE BOLTON,  
DECEASED,

Claimant,

vs.

MARCUS LUMBER,

Employer,

and

REDWOOD FIRE & CASUALTY CO.,

Insurance Carrier,  
Defendants.

File No. 20015335.01

A P P E A L

D E C I S I O N

Headnotes: 1402.30; 1805; 2501; 2907;  
5-9998

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Claimant Donna Bolton, surviving spouse of Steve Bolton, decedent, appeals from an arbitration decision filed on March 24, 2022. Defendants Marcus Lumber, employer, and its insurer, Redwood Fire & Casualty Co., respond to the appeal. The case was heard on January 28, 2022, and it was considered fully submitted in front of the deputy workers' compensation commissioner on March 4, 2022.

In the arbitration decision, the deputy commissioner found claimant failed to meet her burden of proof to establish decedent's employment with defendant-employer was a substantial factor in causing decedent to contract Covid-19, which caused decedent's death on December 14, 2020. Because the deputy commissioner found against claimant on the issues of causation and compensability, the deputy commissioner found the other issues raised in this matter are moot, including whether claimant is entitled to receive weekly survivor benefits and whether claimant is entitled to payment by defendants of requested past medical expenses incurred by decedent.

Claimant asserts on appeal that the deputy commissioner erred in finding claimant failed to prove decedent's employment was a substantial factor in causing decedent to contract Covid-19, and in finding claimant failed to prove decedent's employment was a substantial factor in causing decedent's death. Claimant asserts the deputy commissioner erred in finding the other issues raised in this matter are moot.

Defendants assert on appeal that the arbitration decision should be affirmed in its entirety.

Those portions of the proposed arbitration 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 March 24, 2022, which relate to the issues properly raised on intra-agency appeal.

I find the deputy commissioner provided a well-reasoned analysis of all 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 failed to prove decedent's employment with defendant-employer was a substantial factor in causing decedent to contract Covid-19. I affirm the deputy commissioners' finding that claimant failed to prove decedent's employment was a substantial factor in causing decedent's death. I affirm the deputy commissioners' finding that the other issues raised in this matter are moot.

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

#### ORDER

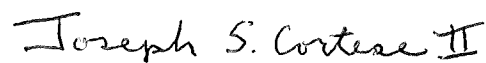
IT IS THEREFORE ORDERED that the arbitration decision filed on March 24, 2022, is affirmed in its entirety.

Claimant shall take nothing from these proceedings.

Pursuant to rule 876 IAC 4.33, 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 2<sup>nd</sup> day of August, 2022.



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JOSEPH S. CORTESE II  
WORKERS' COMPENSATION  
COMMISSIONER

The parties have been served as follows:

Ron Pohlman        (via WCES)

Robert Gainer      (via WCES)

Gregory Taylor     (via WCES)