BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

DENNIS DOUGLAS,	:	
Claimant,	:	File No. 5068505
vs.	:	
	:	ARBITRATION DECISION
CITY OF CEDAR FALLS,	:	
Employer,	:	Head Note Nos.: 1108, 1402.10, 1704,
Self-Insured,	:	1802, 1804, 2209, 2907
Defendant.	:	3001

STATEMENT OF THE CASE

Dennis Douglas, claimant, filed a petition in arbitration seeking workers' compensation benefits from the City of Cedar Falls, self-insured employer as defendant. Hearing was held on June 1, 2020 in Des Moines, Iowa. This case was scheduled to be an in-person hearing occurring in Waterloo. However, due to the outbreak of a pandemic in Iowa, the Iowa Workers' Compensation Commissioner ordered all hearings to occur via video means, using CourtCall. Accordingly, this case proceeded to a live video hearing via CourtCall with all parties, witnesses, and the court reporter appearing remotely.

The parties filed a hearing report at the commencement of the arbitration hearing. On the hearing report, the parties entered into various stipulations. All of those stipulations were accepted and are hereby incorporated into this arbitration decision and no factual or legal issues relative to the parties' stipulations will be raised or discussed in this decision. The parties are now bound by their stipulations.

Dennis Douglas, Brian Heath, and Colleen Sole all testified live at trial. The evidentiary record also includes joint exhibits JE1-JE3, claimant's exhibits 1-11, and defendant's exhibits A-I and K-Q. Defendant's exhibit J was withdrawn. All exhibits were received without objection. The evidentiary record closed at the conclusion of the arbitration hearing.

The parties submitted post-hearing briefs on June 26, 2020, at which time the case was fully submitted to the undersigned.

ISSUES

The parties submitted the following issues for resolution:

1. Whether claimant sustained an injury which arose out of and in the course of his employment.
2. If so, the correct date of injury.
3. Whether claimant is entitled to temporary benefits from February 20, 2018 through March 19, 2018.
4. Whether claimant sustained any permanent disability to his left upper extremity as the result of the work injury.
5. The appropriate rate of weekly workers' compensation benefits.
6. Whether defendant is responsible for past medical expenses.
7. Whether defendant is entitled to a credit for medical/hospitalization expenses.
8. Assessment of costs.

FINDINGS OF FACT

The undersigned, having considered all of the evidence and testimony in the record, finds:

Claimant, Dennis Douglas, has worked for the City of Cedar Falls since February of 2005. He is right hand dominant. He worked as a maintenance worker for the first five years and then moved to an equipment operator. Mr. Douglas was still working as an equipment operator at the time of hearing. (Tr. Pp. 10-12)

Mr. Douglas's job included street works and construction. During the warmer months of the year he performed road demolition, construction, and maintenance. Part of claimant's job duties include concrete work. Concrete work included removal of concrete that needed to be replaced. In his work duties he used tools that caused his hands to vibrate. These tools include a curb saw, backhoe with a concrete breaker, plate tamper, hammer drill, and dowel pack. (Tr. pp. 10-21 ; Def. Ex. B, p. 4; Def. Ex. D, pp. 25-28)

Defendant's exhibit I purports to set forth the number of annual man-hours spent on street section employees. Mr. Douglas testified that this does not cover all the concrete work that is performed because it only includes street panels, curbs, and sidewalks. Exhibit I does not include other types of concrete work such as box-outs, intakes, and CFU. Mr. Douglas also provided an explanation of his daily assignments as set forth in defendant's exhibit N. (Tr. pp. 17-29) I find that Mr. Douglas credibly testified about the amount and types of concrete work he performed for the City.

Mr. Douglas first began to notice symptoms in his left hand in late summer, early fall of 2017. His hand began tingling and falling asleep. His symptoms were worse by the end of the week, but improved over the weekends. His symptoms continued to increase, so he reported his problems to his supervisor.

The City sent him to see David Kirkle, D.O., at Covenant Occupational Health on December 27, 2017. Mr. Douglas reported that his primary problem was numbness and pain in his left hand for the past two months. His symptoms varied depending on his activity level. Dr. Kirkle diagnosed him with carpal tunnel syndrome, left. Dr. Kirkle stated that the injury was not OSHA recordable and not work related. He referred Mr. Douglas to his primary care physician. Dr. Kirkle stated that the patient's job "does not preclude to CTS and there has been no changes at work to explain recent onset of Sx due to work." (JE3, p. 18)

After Mr. Douglas saw Dr. Kirkle, the City denied his workers compensation claim. Mr. Douglas sought treatment on his own with Gary Knudson, M.D., on January 18, 2018. He reported left hand numbness and tingling for the past year, the onset was gradual. Dr. Knudson stated:

> Based on the fact that he had no problems with symptoms of carpal tunnel syndrome until about a year ago and noticed that he had been doing quite a bit more concrete work for his job which she [sic] has been at for now over 12 years and started noting seeing the symptoms increasing as he did more and more repetitive heavy activities with his left hand would suggest that he has a cumulative trauma-type injury at the very least significantly exacerbated by the heavy work and repetitive use of his hands.

(JE2, p. 5)

Dr. Knudson diagnosed Mr. Douglas with carpal tunnel syndrome and recommended nerve testing. (JE2, pp. 3-5) This was performed with Sangeeta Shah, M.D. Dr. Shah's records state that "driving with the left hand for hours to clean the snow would cause his hands to get worse." (JE2, p. 6) The testing showed carpal tunnel syndrome of the left wrist. (JE2, pp. 6-11; Tr. p. 31)

Dr. Knudson performed left carpal tunnel release on February 20, 2018. Mr. Douglas had restrictions placed on his activities for a couple of weeks following the surgery. The City did not allow him to return to work during this time. Because his workers' compensation claim had been denied, Mr. Douglas used sick leave during this time. (Tr. p. 32; JE1 & 2)

Mr. Douglas returned to see Dr. Kirkle on March 19, 2018. He reported that the pain in his left wrist was resolved and his pain level was zero. Mr. Douglas told the doctor that he was attending the appointment so he could return to work. Dr. Kirkle released him to return to full duty. (JE3, pp. 21-22)

At the request of his attorney, Mr. Douglas underwent an IME with Farid Manshadi, M.D., on September 10, 2018. Dr. Manshadi felt that Mr. Douglas sustained left carpal tunnel syndrome, status post left carpal tunnel release with remaining weakness of the left hand grip. Dr. Manshadi opined that the left hand carpal tunnel

syndrome was the result of his work activities while performing fairly repetitious gripping activities for a number of years while working for the City. He placed Mr. Douglas at MMI as of September 10, 2018. Dr. Manshadi utilized the AMA Guides to the Evaluation of Permanent Impairment, Fifth Edition, and assigned 2 percent impairment of the left upper extremity. He did not recommend any additional treatment. (Cl. Ex. 1)

On November 2, 2018, Dr. Kirkle authored an opinion letter to defendant. Defendant asked Dr. Kirkle if he felt that Mr. Douglas' left carpal tunnel injury was related to his job duties with the city. Dr. Kirkle stated:

> His work is not what I would consider repetitive work by doing different jobs during the shift, and he stated to me there have been no changes at work to include speed or hours work or change in activities. I did review his supervisor's job description of the work which tend to corroborate this. Also, he is right handed, and there were no injuries. Recent studies have shown that carpal tunnel syndrome tends to be more related to genetics and anatomic wrist configuration than repetitiveness.

(Def. Ex. A, p. 1)

Dr. Kirkle also opined that Mr. Douglas had no permanent impairment related to his carpal tunnel syndrome. (Def. Ex. A)

Defendant also took the deposition of Dr. Kirkle on May 11, 2020. Dr. Kirkle testified, "I know he [Mr. Douglas] was an equipment operator or something. I know somewhat what he does at work." (Def. Ex. P, Dep. p. 7) Dr. Kirkle also testified that he was not aware of any family history of carpal tunnel in Mr. Douglas' family. Additionally, Dr. Kirkle testified that there was no evidence in this case that genetics were a contributing factor. Dr. Kirkle testified that risk factors for carpal tunnel include exposure to vibration. (Def. Ex. P, Dep. pp. 24-32)

At the time of hearing, Mr. Douglas continued to have problems with his left hand. His left hand was better, but was still not as strong as it used to be. (Tr. pp. 32-33)

The initial factual dispute for determination is whether claimant has demonstrated that his left carpal tunnel syndrome is the result of his work for the defendant. The City relies on the opinion of Dr. Kirkle. In his November 2018 report, Dr. Kirkle opines that Mr. Douglas' carpal tunnel syndrome is not related to his work. He indicates that carpal tunnel tends to be related to genetics and anatomic wrist configuration. However, in his deposition Dr. Kirkle admits that he was not aware of any family history of carpal tunnel and that there was no evidence in this case that genetics were a contributing factor. Additionally, based on Dr. Kirkle's deposition testimony, it is apparent he did not have a thorough understanding of Mr. Douglas' job duties. Furthermore, Dr. Kirkle admitted that exposure to vibration is a risk factor for carpal tunnel syndrome. I do not find the opinions of Dr. Kirkle to be well-reasoned. Both Dr. Knudson and Dr. Kirkle causally

connected Mr. Douglas' carpal tunnel syndrome to his work for the City. I find that opinions of Dr. Knudson and Dr. Manshadi to be well-reasoned. I find the opinions of Dr. Knudson and Dr. Manshadi are more persuasive than those of Dr. Kirkle. I find Mr. Douglas' left carpal tunnel syndrome is related to his work for the City. I further find that Mr. Douglas sustained 2 percent impairment of his left upper extremity as the result of his work for the City.

The parties cannot agree on the appropriate date of injury. Claimant alleges an injury date of February 20, 2018, the date when Mr. Douglas first missed work due to his injury. Defendant contends the injury date in this case should be December 27, 2017, the date that Mr. Douglas reported the injury to his employer and the date he saw Dr. Kirkle. It was at this appointment that Dr. Kirkle determined that Mr. Douglas' carpal tunnel syndrome was not related to his job. I find that Mr. Douglas' injury did not manifest itself until February 20, 2018, when he first missed time from work due to the injury.

Following surgery Mr. Douglas had restrictions placed on his activities. The City would not allow him to return to work with those restrictions. Because his workers' compensation claim was denied, he had to use sick leave during this time. (Tr. p. 32) The parties have stipulated that if the defendant is liable for the alleged injury then claimant is entitled to benefits for this period of time.

We now turn to the issue of rate. The parties cannot agree on the number of exemptions Mr. Douglas is entitled to claim for rate purposes. In 2018, Mr. Douglas claimed his son, Brayden, on his tax returns. Brayden was a full-time college student and was not living with Mr. Douglas. Mr. Douglas was providing financial support for his son in 2018. He paid for one-third of his college and also gave him spending money. (Tr. pp. 34-35) I find that Mr. Douglas is entitled to claim Brayden as an exemption. Thus, for rate purposes, I find Mr. Douglas is single and entitled to two exemptions.

There is also a dispute surrounding the calculation of his average weekly wage. Mr. Douglas is paid on an hourly basis. According to the union contract, in lieu of paid overtime the employee may elect to apply for compensatory time off ("comp. time"). In other words, if Mr. Douglas works overtime he may elect to bank that time and use it as time off in the future. The maximum number of hours he may bank is 240 and any unused comp time is paid out when the employment ends. (Cl. Ex. 7, pp. 31-34) I find that the employer and union negotiated benefits, among them was the right to bank time off due to overtime. Mr. Douglas opted to bank time off. I find that excluding weeks wherein Mr. Douglas used banked overtime does not provide an accurate or fair representation of claimant's actual earnings. I find that including both the long and short weeks "fairly represents the employee's customary earnings." I further find that, pursuant to the union contract, it was customary to bank comp time.

Utilizing the wages identified on Claimant's exhibit 6, pages 24-25, I calculate the average gross weekly earnings as follows:

Check Date	Gross Pay
02/16/18	$2,807.68
02/02/18	$2,070.19
01/19/18	$2,070.19
01/05/18	$2,070.19
12/22/17	$2,070.20
12/08/17	$2,070.20
11/22/17	$2,070.20
Total:	$15,228.85

Mr. Douglas' total earnings in the fourteen weeks prior to the date of injury were $15,228.85. Dividing the total earnings by 14 weeks, I find that Mr. Douglas had average gross weekly earnings of $1,087.78 on the date of injury.

Defendant asserts a credit in the amount of $493.60 for medical expenses paid out of the City's Health Reimbursement Arrangement (HRA) account. Defendant cites no legal authority for this position. Defendant contends that because the HRA is fully funded by the City, the City should receive a credit for the benefits paid. According to Colleen Sole, an employee may be reimbursed up to $500.00 of their out-of-pocket expense for medical. The money is kept in a general city fund, not an individual fund. Defendant's exhibit K, page 53 sets forth the payments made from the HRA which total $500.00. The payment of $6.40 was for medical treatment not related to the work injury. (Def. Ex. K, p. 53)

Claimant argues that the City is not entitled to such a credit because the HRA is a fringe benefit and is a property right of the claimant. Claimant argues that he would have been entitled to the entire $500.00 allotment to pay non-occupational medical expenses if the City had not denied his claim. I find claimant's arguments to be persuasive. I find that the HRA is a fringe benefit and a property right of the claimant. I further find defendant is not entitled to a credit in the amount of $493.60.

CONCLUSIONS OF LAW

The party who would suffer loss if an issue were not established ordinarily has the burden of proving that issue by a preponderance of the evidence. Iowa R. App. P. 6.14(6)(e).

The claimant has the burden of proving by a preponderance of the evidence that the alleged injury actually occurred and that it both arose out of and in the course of the employment. Quaker Oats Co. v. Ciha, 552 N.W.2d 143 (Iowa 1996); Miedema v. Dial Corp., 551 N.W.2d 309 (Iowa 1996). The words "arising out of" referred to the cause or source of the injury. The words "in the course of" refer to the time, place, and circumstances of the injury. 2800 Corp. v. Fernandez, 528 N.W.2d 124 (Iowa 1995). An injury arises out of the employment when a causal relationship exists between the injury and the employment. Miedema, 551 N.W.2d 309. The injury must be a rational consequence of a hazard connected with the employment and not merely incidental to the employment. Koehler Electric v. Wills, 608 N.W.2d 1 (Iowa 2000); Miedema, 551 N.W.2d 309. An injury occurs "in the course of" employment when it happens within a period of employment at a place where the employee reasonably may be when performing employment duties and while the employee is fulfilling those duties or doing an activity incidental to them. Ciha, 552 N.W.2d 143.

The claimant has the burden of proving by a preponderance of the evidence that the injury is a proximate cause of the disability on which the claim is based. A cause is proximate if it is a substantial factor in bringing about the result; it need not be the only cause. A preponderance of the evidence exists when the causal connection is probable rather than merely possible. George A. Hormel & Co. v. Jordan, 569 N.W.2d 148 (Iowa 1997); Frye v. Smith-Doyle Contractors, 569 N.W.2d 154 (Iowa App. 1997); Sanchez v. Blue Bird Midwest, 554 N.W.2d 283 (Iowa App. 1996).

The question of causal connection is essentially within the domain of expert testimony. The expert medical evidence must be considered with all other evidence introduced bearing on the causal connection between the injury and the disability. Supportive lay testimony may be used to buttress the expert testimony and, therefore, is also relevant and material to the causation question. The weight to be given to an expert opinion is determined by the finder of fact and may be affected by the accuracy of the facts the expert relied upon as well as other surrounding circumstances. The expert opinion may be accepted or rejected, in whole or in part. St. Luke's Hosp. v. Gray, 604 N.W.2d 646 (Iowa 2000); IBP, Inc. v. Harpole, 621 N.W.2d 410 (Iowa 2001); Dunlavey v. Economy Fire and Cas. Co., 526 N.W.2d 845 (Iowa 1995). Miller v. Lauridsen Foods, Inc., 525 N.W.2d 417 (Iowa 1994). Unrebutted expert medical testimony cannot be summarily rejected. Poula v. Siouxland Wall & Ceiling, Inc., 516 N.W.2d 910 (Iowa App. 1994).

When the injury develops gradually over time, the cumulative injury rule applies. The date of injury for cumulative injury purposes is the date on which the disability manifests. Manifestation is best characterized as that date on which both the fact of injury and the causal relationship of the injury to the claimant's employment would be plainly apparent to a reasonable person. The date of manifestation inherently is a fact based determination. The fact-finder is entitled to substantial latitude in making this determination and may consider a variety of factors, none of which is necessarily dispositive in establishing a manifestation date. Among others, the factors may include missing work when the condition prevents performing the job, or receiving significant

medical care for the condition. For time limitation purposes, the discovery rule then becomes pertinent so the statute of limitations does not begin to run until the employee, as a reasonable person, knows or should know, that the cumulative injury condition is serious enough to have a permanent, adverse impact on his or her employment. Herrera v. IBP, Inc., 633 N.W.2d 284 (Iowa 2001); Oscar Mayer Foods Corp. v. Tasler, 483 N.W.2d 824 (Iowa 1992); McKeever Custom Cabinets v. Smith, 379 N.W.2d 368 (Iowa 1985).

Based on the above findings of fact, I conclude the opinions of Dr. Knudson and Dr. Manshadi carry greater weight than those of Dr. Kirkle. I conclude Mr. Douglas has carried his burden of proof to demonstrate that his left carpal tunnel syndrome is related to his work for the City. I further conclude that Mr. Douglas sustained 2 percent impairment of his left upper extremity as the result of his work for the City. I conclude Mr. Douglas' injury did not manifest itself until February 20, 2018, when he first missed time from work due to the injury.

The Iowa legislature has established a 250 week schedule for arm injuries. Iowa Code section 85.34(2)(m). Claimant is entitled to an award of permanent partial disability benefits equivalent to the proportional loss of his left arm. Two percent (2%) of 250 weeks equals 5 weeks. Thus, claimant is entitled to an award of 5 weeks of permanent partial disability benefits against the employer.

Section 85.34(1) provides that healing period benefits are payable to an injured worker who has suffered permanent partial disability until (1) the worker has returned to work; (2) the worker is medically capable of returning to substantially similar employment; or (3) the worker has achieved maximum medical recovery. The healing period can be considered the period during which there is a reasonable expectation of improvement of the disabling condition. See Armstrong Tire & Rubber Co. v. Kubli, 312 N.W.2d 60 (Iowa App. 1981). Healing period benefits can be interrupted or intermittent. Teel v. McCord, 394 N.W.2d 405 (Iowa 1986).

Claimant is seeking healing period benefits from February 20, 2018 through March 19, 2018. The parties have stipulated that if the defendant is liable for the alleged injury then claimant is entitled to benefits for this period of time. Thus, claimant is entitled to healing period benefits from February 20, 2018 through March 19, 2018.

We now turn to the issue of rate. The initial rate dispute centers on the number of exemptions Mr. Douglas is entitled to claim. The agency has long established precedent that the actual exemptions claimed on the income tax return controls when determining how many exemptions a claimant is entitled to claim for purposes of the weekly compensation rate. Webber v. West Side Transport, Inc., 1278549 (App. December 20, 2002); DeRaad v. Fred's Plumbing and Heating, No. 1134532 (App. January 16, 2002), Rhoades v. Torgerson Construction Co., No. 1012085 (App. January 31, 1995), Keeling v. Cedar Rapids Community Schools, No. 891809 (App. February 26, 1993). Based on the above findings of fact, I conclude Mr. Douglas is single and entitled to claim two exemptions.

The parties also dispute claimant's average gross weekly wages at the time of this work injury. Defendant does not set forth its argument in the post-hearing brief. Section 85.36 states the basis of compensation is the weekly earnings of the employee at the time of the injury. The section defines weekly earnings as the gross salary, wages, or earnings to which an employee would have been entitled had the employee worked the customary hours for the full pay period in which the employee was injured as the employer regularly required for the work or employment. The various subsections of section 85.36 set forth methods of computing weekly earnings depending upon the type of earnings and employment. Because Mr. Douglas is paid on an hourly basis the applicable Code section is 85.36(6).

According to the union contract, in lieu of paid overtime the employee may elect to apply for compensatory time off ("comp. time"). In other words, if Mr. Douglas works overtime he may elect to bank that time and use it as time off in the future. The maximum number of hours he may bank is 240 and any unused comp time is paid out when the employment ends. (Cl. Ex. 7, pp. 31-34) Claimant argues that his compensatory time is deferred compensation and is includible in the rate calculation when it is earned, not when it is paid. See Area Educ. Agency 7 v. Bauch, 646 N.W.2d 398, (Iowa 2002). In the 13-week calculation claimant wants to include the weeks when he banked comp time, but exclude the weeks where he used the comp time. (Ex. 6)

Iowa Code section 85.36(6) provides, "A week which does not fairly reflect the employee's customary earnings shall be replaced by the closest previous week with earnings that fairly represent the employee's customary earnings." I conclude it is not representative of his typical earnings to include weeks when claimant banks comp time, but then exclude weeks when he uses comp time. If Mr. Douglas does not take the overtime payments, he does not have earnings in the week. To then exclude the weeks when he uses banked comp time would inflate his actual earnings. Based on the above findings of fact, I conclude Mr. Douglas' average weekly wage on the date of injury is $1,087.78.

The weekly workers' compensation benefit amount is determined by referring to the Iowa Workers' Compensation Manual in effect on the date of the injury. Having found claimant's gross average weekly wage was $1,087.78, that claimant was single and entitled to two exemptions, and using the Iowa Workers' Compensation Manual with effective dates of July 1, 2017 through June 30, 2018, I determine that the applicable weekly rate is $652.30.

Claimant is seeking payment of past medical expenses as set forth in claimant's exhibits 9 and 10. The employer shall furnish reasonable surgical, medical, dental, osteopathic, chiropractic, podiatric, physical rehabilitation, nursing, ambulance, and hospital services and supplies for all conditions compensable under the workers' compensation law. The employer shall also allow reasonable and necessary transportation expenses incurred for those services. The employer has the right to choose the provider of care, except where the employer has denied liability for the

injury. Section 85.27. Holbert v. Townsend Engineering Co., Thirty-second Biennial Report of the Industrial Commissioner 78 (Review-Reopening, October 1975).

Defendant stipulates that the listed expenses are causally connected to Mr. Douglas' left carpal tunnel syndrome. Because I found that the left carpal tunnel is related to his work with the defendant, it follows that defendant is responsible for the expenses in claimant's exhibits 9 and 10.

Defendant asserts a credit in the amount of $493.60 for medical expenses paid out of the City's Health Reimbursement Arrangement (HRA) account. Defendant cites no legal authority for this position. Claimant argues that the City is not entitled to such a credit because the HRA is a fringe benefit and is a property right of the claimant. See King v. Marion Independent School Dist., File No. 5036224 (App. June 10, 2013). Claimant also argues that if the City is permitted to credit this amount against its statutory obligations under 85.27, then this would be in contravention of Iowa Code section 85.18. Section 85.18 prohibits any type of device that operates to relieve the employer from any liability under the Iowa Workers' Compensation Act.

Based on the above findings of fact, I conclude that defendant has failed to prove entitlement to a credit under Iowa Codes section 85.38(2).

Claimant is seeking an assessment of costs as set forth in claimant's exhibit 11. I conclude that claimant was successful in this claim and that an assessment of costs is appropriate under 876 IAC 4.33. Specifically, claimant is seeking the filing fee in the amount of $100.00. I find this is an appropriate cost under subsection 7. Claimant is seeking costs in the amount of $108.90 for his deposition transcription fee. (Ex. 11, p. 44) I find that this is an appropriate cost under subsection 2. Under subsection 6, Claimant is seeking costs in the amount of $100.00 for a doctor's report dated April 16, 2020. (Ex. 11, p. 45) Defendant does not dispute entitlement to these costs. Thus, defendant is assessed costs in the amount of $308.90.

Defendant is seeking an assessment of costs as set forth in defendant's exhibit O. I conclude that defendant was not successful in this case and therefore an assessment of costs against the claimant is not appropriate. Claimant is not assessed costs.

ORDER

THEREFORE, IT IS ORDERED:

All weekly benefits shall be paid at the stipulated rate of six hundred fifty-two and 30/100 dollars ($652.30).

Defendant shall pay healing period benefits from February 20, 2018 through March 19, 2018.

Defendant shall pay five (5) weeks of permanent partial disability benefits commencing on the stipulated commencement date of March 20, 2018.

Defendant shall be responsible for past medical benefits as set forth above.

Defendant shall reimburse claimant costs as set forth above.

Defendant shall file subsequent reports of injury (SROI) as required by this agency pursuant to rules 876 IAC 3.1 (2) and 876 IAC 11.7.

Signed and filed this __21st___ day of July, 2020.

ERIN Q. PALS
DEPUTY WORKERS'
COMPENSATION COMMISSIONER

The parties have been served, as follows:

Benjamin Roth (via WCES)

Bruce Gettman (via WCES)

Right to Appeal: This decision shall become final unless you or another interested party appeals within 20 days from the date above, pursuant to rule 876-4.27 (17A, 86) of the Iowa Administrative Code. The notice of appeal must be filed via Workers' Compensation Electronic System (WCES) unless the filing party has been granted permission by the Division of Workers' Compensation to file documents in paper form. If such permission has been granted, the notice of appeal must be filed at the following address: Workers' Compensation Commissioner, Iowa Division of Workers' Compensation, 150 Des Moines Street, Des Moines, Iowa 50309-1836. The notice of appeal must be received by the Division of Workers' Compensation within 20 days from the date of the decision. The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or legal holiday.