

## BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

ROSALIA CHAVEZ AMAYA,

File No. 20006866.02

Claimant,

A P P E A L

vs.

D E C I S I O N

UNIVERSITY OF IOWA HOSPITALS  
AND CLINICS, STATE OF IOWAEmployer,  
Self-Insured,  
Defendant.Headnotes: 1402.20; 1402.40; 1801; 1803;  
2501; 2502; 2701; 2907;  
5-9998

Claimant Rosalia Chavez Amaya appeals from an arbitration decision filed on February 11, 2022. Defendant University of Iowa Hospitals and Clinics, self-insured employer, responds to the appeal. The case was heard on June 15, 2021, and it was considered fully submitted in front of the deputy workers' compensation commissioner on July 12, 2021.

In the arbitration decision, the deputy commissioner found claimant failed to carry her burden of proof to establish she sustained a work-related injury on or about April 23, 2020, as alleged. 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 temporary and permanent disability benefits, whether claimant is entitled to payment by defendants of requested past medical expenses, and whether claimant is entitled to alternate medical care. The deputy commissioner found that pursuant to Iowa Code section 85.39, claimant is not entitled to reimbursement from defendant for the cost of the independent medical evaluation (IME) of claimant performed by Sunil Bansal, M.D. 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 claimant failed to prove she sustained a work-related injury as alleged. Claimant asserts the deputy commissioner erred in finding the other issues raised in this matter are moot. Claimant asserts the following should be found on appeal (1) that claimant is entitled to receive temporary and permanent disability benefits, (2) that claimant is entitled to payment by defendants of the requested past medical expenses, and (3) that claimant is entitled to alternate medical care.

Defendant asserts 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 February 11, 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 she sustained a work-related injury on or about April 23, 2020, as alleged. I affirm the deputy commissioner's finding that the other issues raised in this matter are moot, including whether claimant is entitled to receive temporary and permanent disability benefits, whether claimant is entitled to payment by defendants of the requested past medical expenses, and whether claimant is entitled to alternate medical care. I affirm the deputy commissioner's finding that pursuant to Iowa Code section 85.39, claimant is not entitled to reimbursement from defendant for the cost of Dr. Bansal's IME. 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 the above-stated issues.

#### ORDER

IT IS THEREFORE ORDERED that the arbitration decision filed on February 11, 2022, 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 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 14<sup>th</sup> day of July, 2022.

  
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JOSEPH S. CORTESE II  
WORKERS' COMPENSATION  
COMMISSIONER

The parties have been served as follows:

Gabriela Navarro (via WCES)

Sarah Timko (via WCES)