

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

WESLEY RAINER,

Claimant,

vs.

JOHN DEERE DUBUQUE WORKS,

Self-Insured Employer,

SECOND INJURY FUND OF IOWA,

Defendants.

File No. 20013850.01

A P P E A L

D E C I S I O N

Head Notes: 1402.30; 1402.40; 1803;
2204, 2206, 2701, 2907,
3203; 5-9998

Defendant, John Deere Dubuque Works (hereinafter referred to as "Deere"), appeals from an arbitration decision filed on March 31, 2023. Claimant, Wesley Rainer, and the Second Injury Fund of Iowa respond to the appeal. The case was heard on October 26, 2022, and it was considered fully submitted in front of the deputy workers' compensation commissioner on January 6, 2023.

In the arbitration decision, the deputy commissioner found claimant carried his burden of proof to establish he sustained injuries to his right elbow, right wrist, and left elbow that arose out of and in the course of his employment or were the sequela of the initial work injury on October 23, 2019. However, the deputy commissioner found that claimant's right wrist and left elbow injuries had not yet achieved maximum medical improvement. Therefore, the deputy commissioner concluded that the case was not ripe for an award of permanent disability or a determination of the Second Injury Fund's liability, if any. The deputy commissioner also awarded alternate medical care for the right wrist and left elbow and assessed costs against the employer.

Deere asserts on appeal that the deputy commissioner erred in finding the right wrist and left elbow injuries to have arisen out of and in the course of claimant's employment. Deere asserts that Mr. Rainer "made up" the right wrist and left elbow injuries. Deere asserts that only the right elbow injury is compensable and that it is ripe for an award of permanent disability. Deere also contends that the deputy commissioner erred in awarding alternate medical care for the right wrist and left elbow because those conditions are not related to work according to Deere's analysis.

Claimant responds to the appeal. Claimant contends that the deputy commissioner's analysis is accurate. Claimant asserts that the arbitration decision should be fully affirmed.

Likewise, the Second Injury Fund of Iowa responds to the appeal. The Second Injury Fund similarly asserts that the deputy commissioner's decision is accurate. The Second Injury Fund contends that the arbitration decision should be fully affirmed.

Those portions of the proposed arbitration decision pertaining to issues not raised on appeal are adopted as part of this appeal decision.

I 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.15 and 86.24, I affirm and adopt as the final agency decision those portions of the proposed arbitration decision filed on April 4, 2023, 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 proved he sustained injuries to his right elbow, right wrist, and left elbow, all as a result of the work injury. I affirm the deputy commissioner's finding that at the time of the arbitration hearing, the right wrist and left elbow conditions were not at maximum medical improvement. I affirm the deputy commissioner's conclusion that the case is not ripe for a determination of permanent disability or a determination of any Second Injury Fund liability until the right wrist and left elbow conditions are treated and reach maximum medical improvement. I affirm the deputy commissioner's finding and conclusions that claimant is entitled to alternate medical care for the right wrist and left elbow injuries.

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 31, 2023, is affirmed in its entirety.

Defendant employer shall provide claimant ongoing medical care for his right arm, right wrist, and left arm conditions.

Defendant employer shall pay the future medical expenses of claimant necessitated by the work injury.

Defendant employer shall reimburse claimant's costs in the amount of one hundred three and 00/100 dollars (\$103.00).

Defendant employer shall bear 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 22nd day of August, 2023.

Joseph S. Cortese II

JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

The parties have been served as follows:

Zeke McCartney (via WCES)

Dirk Hamel (via WCES)

Meredith Cooney (via WCES)