

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

MARK MITCHELL,

Claimant,

vs.

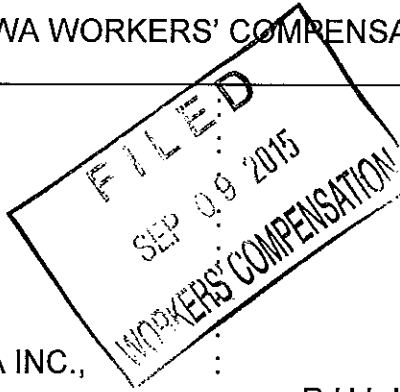
LABOR WORLD OF IOWA INC.,

Employer,

and

ZURICH AMERICAN INSURANCE
COMPANY,

Insurance Carrier,
Defendants.



File No. 5048278

RULING ON CLAIMANT'S
MOTION FOR REHEARING/
RECONSIDERATION

On August 27, 2015, claimant filed a motion to reconsider and/or for rehearing. No resistance is on file. The motion is considered.

The motion pertains to medical expenses. Many of the medical expenses claimant is seeking payment for are listed as expenses for "Mitchell, Thomasina." The motion states that Thomasina is the spouse of the claimant and that these charges were for treatment of the claimant. Specifically, claimant is seeking payment for the MercyCare charges listed in Exhibit 3 pages 9 and 10. The arbitration decision in this matter denied payment for these expenses. However, because these charges were incurred so that claimant could be cleared for surgery these charges should be paid by the defendants. Likewise, the remaining charges listed on Exhibit 3, pages 9 and 10 that are listed in claimant's name should also be paid for by defendants. The charges appear to also be for blood work pertaining to claimant's infection for treatment. Loren Mouw, M.D. required claimant to be cleared of infection prior to the surgery. (Ex. 9, p. 1; testimony) Therefore, defendants shall be responsible for the charges set forth in Exhibit 3, pages 9 and 10.

THEREFORE it is ordered: The claimant's motion for reconsideration or

rehearing is granted. The arbitration decision will be modified to reflect that defendants shall be responsible for charges set forth in Exhibit 3, pages 9 and 10.

Signed and filed this 9th day of September, 2015.



ERIN Q. PALS
DEPUTY WORKERS'
COMPENSATION COMMISSIONER

Copies To:

Ryan T. Beattie
Attorney at Law
4300 Grand Ave.
Des Moines, IA 50312-2426
ryan.beattie@beattielawfirm.com

Joseph A. Wilkins
Attorney at Law
222 S. 15th St.
Omaha, NE 68102
jwilkins@scheldruplaw.com

EQP/sam