



commissioner also ordered defendants to pay claimant's costs of the arbitration proceeding.

Defendants assert on appeal that the deputy commissioner erred in finding claimant carried his burden of proof that he sustained a work-related injury on February 16, 2014. Defendants assert the deputy commissioner erred in finding claimant is entitled to receive additional healing period benefits. Defendants assert the deputy commissioner erred in finding claimant is entitled to receive PPD benefits. Defendants assert the deputy commissioner erred in finding claimant is entitled to receive payment from defendants of requested past medical expenses. Defendants also assert if this matter is found to be compensable on appeal, the deputy commissioner incorrectly calculated the amount of the credits defendants are entitled to receive for short-term disability benefits and for long-term disability benefits received by claimant for the work injury.

Claimant asserts on appeal that the arbitration decision should be affirmed in its entirety.

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

Having performed a de novo review of the evidentiary record and the detailed arguments of the parties, 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 April 29, 2016, which relate to the issues properly raised on intra-agency appeal.

I affirm the deputy commissioner's finding that claimant carried his burden of proof that he sustained a work-related injury on February 16, 2014.

I affirm the deputy commissioner's finding that claimant is entitled to receive additional healing period benefits from March 25, 2014, through August 6, 2014.

I affirm the deputy commissioner's finding that claimant sustained scheduled member functional impairment of ten percent of the right upper extremity, which entitles claimant to receive 25 weeks of PPD benefits commencing on August 7, 2014.

I affirm the deputy commissioner's finding that claimant is entitled to payment by defendants of requested medical expenses itemized in Exhibit 9.

I affirm the deputy commissioner's finding that defendants are entitled to a credit in the amount of \$7,596.18 for short-term disability benefits received by claimant and I

affirm the deputy commissioner's finding that defendants are entitled to a credit in the amount of \$10,082.92 for long-term disability benefits received by claimant, for a total credit of \$17,679.91. Claimant concedes defendants are entitled to receive a total credit in the amount of \$17,679.91. Defendants assert on appeal they are entitled to a credit of \$10,082.92 for short-term disability benefits received by claimant and defendants assert they are entitled a credit of \$11,042.89 for long-term disability benefits received by claimant, for a total credit of \$21,125.81. In their appeal brief, as well as in their post-hearing brief, defendants provide an analysis of the credit issue based on Exhibit E. However, it is not possible to understand that analysis to determine whether defendants' calculations are correct. Defendants therefore have failed to carry their burden of proof that they are entitled to a total credit in any amount greater than \$17,679.91 for short-term disability benefits and for long-term disability benefits received by claimant.

#### ORDER

IT IS THEREFORE ORDERED that the arbitration decision filed on April 29, 2016, is affirmed in its entirety.

Defendants shall pay claimant additional healing period benefits from March 25, 2014, through August 6, 2014, at the weekly rate of seven hundred two and 47/100 dollars (\$702.47).

Defendants shall pay claimant twenty five (25) weeks of permanent partial disability benefits commencing August 7, 2014, at the weekly rate of seven hundred two and 47/100 dollars (\$702.47).

Defendants shall receive credit for all workers' compensation benefits previously paid.


Defendants shall receive a total credit in the amount of seventeen thousand six hundred seventy nine and 91/100 dollars (\$17,679.91) for short-term disability benefits and for long-term disability benefits received by claimant for the work injury.

Defendants shall pay accrued weekly benefits in a lump sum together with interest pursuant to Iowa Code section 85.30.

Pursuant to rule 876 IAC 4.33, defendants shall pay claimant's costs of the arbitration proceeding, and defendants 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 26<sup>th</sup> day of January, 2018.

  
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JOSEPH S. CORTESE II  
WORKERS' COMPENSATION  
COMMISSIONER

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