

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

CHAD ALLRED,	:	
Claimant,	:	
vs.	:	
ABF FREIGHT SYSTEM, INC.,	:	File No. 5054119
Employer,	:	A P P E A L
and	:	D E C I S I O N
ACE AMERICAN INSURANCE COMPANY,	:	
Insurance Carrier,	:	Head Notes: 1108.50; 1402.40; 1803;
Defendants.	:	2907; 5-9998

Claimant Chad Allred appeals from an arbitration decision filed on July 15, 2019, and from a ruling on rehearing filed on August 2, 2019. Defendants ABF Freight System, Inc. employer, and its insurer, Ace American Insurance Company, respond to the appeal. The case was heard in two sessions held on October 30, 2018, and on April 17, 2019, and it was considered fully submitted in front of the deputy workers' compensation commissioner on June 6, 2019.

The deputy commissioner found claimant failed to carry his burden of proof to establish he sustained permanent disability as a result of the stipulated work-related injury which occurred on August 27, 2012. The deputy commissioner found claimant is entitled to receive nothing in the way of permanent partial disability benefits. 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 he sustained permanent disability as a result of the work injury. Claimant asserts the deputy commissioner erred in failing to award claimant industrial disability of 40 percent or more for the work injury.

Defendants assert 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.

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 July 15, 2019, and the ruling on rehearing filed on August 2, 2019, which relate to the issues properly raised on intra-agency appeal.

I find the deputy commissioner provided a well-reasoned analysis of all of 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 he sustained permanent disability as a result of the August 27, 2012, work injury. I affirm the deputy commissioner's finding that claimant is entitled to receive nothing in the way of permanent partial disability benefits.

I affirm the deputy commissioner's findings, conclusions and analysis regarding those issues.

ORDER

IT IS THEREFORE ORDERED that the arbitration decision filed on July 15, 2019, and the ruling on rehearing filed on August 2, 2019, are affirmed in their 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 29th day of May, 2020.

Joseph S. Cortese II

JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

The parties have been served as follows:

Tom Wertz Via E-mail at twertz@wertzlaw.com

Paul J. McAndrew, Jr. Via WCES

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