

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

CHRISTOPHER ARDAPPLE,

Claimant,

vs.

JOHN DEERE DAVENPORT WORKS,

Employer,
Self-Insured,
Defendant.

File No. 5049457

A P P E A L

D E C I S I O N

Head Note Nos: 1100, 1108, 1801, 2500
5-9998

FILED

SEP 21 2017

WORKERS' COMPENSATION

Defendant John Deere Davenport Works, self-insured employer, appeals from an arbitration decision filed on January 29, 2016. Claimant Christopher Ardapple responds to the appeal. The case was heard on October 26, 2015, and it was considered fully submitted in front of the deputy workers' compensation commissioner on December 16, 2015.

The deputy commissioner found claimant carried his burden of proof that he sustained bilateral carpal tunnel injuries which arose out of and in the course of claimant's employment with defendant on or about September 26, 2014. The deputy commissioner found claimant's correct weekly benefit rate for the work injury is \$688.48. The deputy commissioner found claimant is entitled to reimbursement and/or direct payment to the medical providers by defendant for requested past medical charges for medical care for the work injury. The deputy commissioner found claimant is entitled to payment by defendant for ongoing medical care for the work injury and the deputy commissioner found claimant is entitled to direct his own medical care due to defendant's denial of liability. The deputy commissioner also ordered defendant to pay claimant's costs of the arbitration proceeding.

Defendant asserts on appeal that the deputy commissioner erred in finding claimant carried his burden of proof that he sustained a work injury on or about September 26, 2014. Defendant asserts the deputy commissioner erred in finding claimant is entitled to reimbursement and/or direct payment by defendant for the requested past medical charges. Defendant asserts the deputy commissioner erred in finding claimant is entitled to payment by defendant for ongoing medical care for the work injury and in finding claimant is entitled to direct his own medical care due to defendant's denial of liability.

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 86.24 and 17A.15, I affirm and adopt as the final agency decision those portions of the proposed arbitration decision filed in this matter on January 29, 2016, which relate to issues properly raised on intra-agency appeal.

I find the deputy commissioner provided sufficient analysis of the issues raised in the arbitration proceeding. I affirm the deputy commissioner's finding that claimant carried his burden of proof that he sustained a work injury on or about September 26, 2014. I affirm the deputy commissioner's finding that claimant's correct weekly benefit rate for the work injury is \$688.48. I affirm the deputy commissioner's finding that claimant is entitled to reimbursement and/or direct payment by defendant for the requested past medical charges. I affirm the deputy commissioner's finding that claimant is entitled to payment by defendant for ongoing medical care for the work injury and I affirm the deputy commissioner's finding that claimant is entitled to direct his own medical care due to defendant's denial of liability. I also affirm the deputy commissioner's order that defendant pay claimant's costs of the arbitration proceeding. I affirm the deputy commissioner's findings, conclusions and analysis regarding those issues.

ORDER

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

Claimant's bilateral carpal tunnel injuries arose out of and in the course of his employment on or about September 26, 2014.

Claimant's correct weekly benefit rate for the work injury is six hundred eighty-eight and 48/100 dollars (\$688.48).

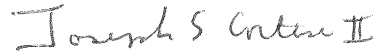
Claimant is entitled to reimbursement and/or direct payment to the medical providers by defendant for the requested past medical charges for medical care for the work injury.

Claimant is entitled to ongoing medical care for the work injury and claimant is entitled to direct his own medical care due to defendant's denial of liability.

Pursuant to rule 876 IAC 4.33, defendant shall pay claimant's costs of the arbitration proceeding, and defendant shall pay the costs of the appeal, including the cost of the hearing transcript.

Pursuant to rule 876 IAC 3.1(2), defendant shall file subsequent reports of injury as required by this agency.

Signed and filed on this 21st day of September, 2017.



JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

Copies To:

Anthony J. Bribresco
Attorney at Law
2407 – 18th St., Ste. 200
Bettendorf, IA 52722
Anthony@bribriescolawfirm.com

Troy A. Howell
Attorney at Law
220 N. Main St., Ste. 600
Davenport, IA 52801-1987
thowell@l-wlaw.com