BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

JASSIM KANDAH, Claimant, vs. AMERICAN BUILDING MAINTENANCE, d/b/a SERVICEMASTER GREEN, Employer, and WESTFIELD INSURANCE, Insurance Carrier, Defendants.	File No. 5042650 ARBITRATION DECISION Head Note Nos.: 1803, 1402.40, 1801.1 2700, 2907

FILED
JUL 24 2015
WORKERS' COMPENSATION

STATEMENT OF THE CASE

Jassim Kandah, claimant, filed a petition in arbitration seeking workers' compensation benefits from American Building Maintenance, d/b/a ServiceMaster Green (ServiceMaster) and its insurer, Westfield Insurance, as a result of an injury he sustained on February 3, 2011, that arose out of and in the course of his employment. This case was heard in Des Moines Iowa. It was fully submitted on February 2, 2015. The evidence in this case consists of the testimony of claimant and Gregg Stearns and claimant's exhibits 1 through 27 and 29 through 31 and defendants' exhibits A through N. Defendants were given permission to submit a supplemental report due to the late disclosure of exhibits by claimant. This was received into evidence as Exhibit O and the record was closed. Both parties submitted briefs. The parties had a hearing on temporary benefits on February 3, 2014. Before a decision was reached the parties agreed to have a hearing on permanent and temporary benefits. That hearing was held on November 24, 2014. The exhibits and testimony from both hearings was reviewed and considered in reaching this decision. The hearing was interpreted into Arabic/English by Hekmat Qamhieh.

ISSUES

Whether the February 3, 2011, injury is a cause of temporary disability and, if so, the extent.

Whether the February 3, 2011, injury is a cause of permanent disability and, if so; the extent of claimant's disability.

Whether claimant is entitled to payment of medical expenses.

Whether claimant is entitled to full payment of an independent medical examination.

Whether claimant is entitled to alternate medical care.

Assessment of costs.

The stipulations contained in the Hearing Report are accepted and incorporated into this decision as if fully set forth.

FINDINGS OF FACT

The deputy workers' compensation commissioner, having heard the testimony and considered the evidence in the record, finds that:

Jassim Kandah, claimant, was 49 at the time of arbitration hearing. Claimant graduated high school and obtained a college degree in theater. (Exhibit F, page 2) He served eighteen months in the Iraq military. Claimant was a teacher, taxi driver, and clothing merchant in Iraq. He became a refugee and he and his family went to Syria in 2005. He came to the United Stated of America in February 2009. (Tr[1]. 1, p. 23) His first job in the United States was working for about a year packaging makeup into boxes.

Claimant started his work for ServiceMaster in October 2010. Claimant's position was to clean offices. Claimant would wear a vacuum cleaner on his back. He said that when it was empty it weighed about 20 pounds and full of dirt it weighed 30 to 40 pounds. (Tr. 1, p. 29) Claimant informed Robin Sassman, M.D., that he had to lift a vacuum cleaner that weighed up to 50 pounds. (Ex. 10, p. 94) Claimant testified that it would weight 30 - 40 pounds. (Tr. 1, p. 29) I find the testimony of Gregg Sterns that it weighed 15 pounds to be more credible. (Tr. 1, p. 71) Mr. Stearns had a more exact and certain knowledge of the equipment that was issued to employees.

On February 3, 2011, claimant was empting a trash can at work and experienced a pain in his lower back. (Ex. A, p. 23) Defendants have stipulated to this injury, although they have not stipulated that this injury has caused temporary or permanent disability or impairment. Claimant states he felt a pain like a knife in his back at the time of his injury and that he could not move and eventually laid on the floor. (Tr.1. p. 30) At

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[1] As there were two hearings and two transcripts, the transcript from the February 3, 2014, hearing will be cited Tr. 1, p._ and the transcript of the November 2014 hearing will be cited Tr. 2, p._ .

the time of his lower back injury claimant was not having pain radiating into his lower legs. Claimant testified that he did not have right leg symptoms until he had physical therapy. (Tr. 1, p. 33)

Claimant took time off after his injury. When he returned he had restrictions and did not have to carry the vacuum cleaner. Claimant was released to return to work without restriction by Todd Troll, M.D. on August 9, 2011. (Ex. 7, pp. 66, 68) Claimant asked ServiceMaster for a month of additional time off but was told he did not qualify for FMLA leave. Claimant went to his family physician, Majed Barazanji, M.D., and he recommended some additional time off work. (Tr. 1, p. 39) Claimant testified that Dr. Barazanji gave him a month or a week or two off. (Tr. 1, p. 57) The actual time off was from August 12 through August 19, 2011. (Ex. 3, p. 14) Claimant did not return to ServiceMaster and was terminated in August 2011. (Tr. 1, p. 41)

Claimant obtained a job at Walmart in May 2012, eight months after his discharge from ServiceMaster. Claimant was available for work at Walmart as of March 7, 2012. (Ex. D, p. 2) He started May 12, 2012. He worked as a backroom inventory associate. (Ex. M, p. 2) He was required to obtain employment in order to maintain public benefits that he and his family were receiving due to his refugee status. (Tr. 1, p. 42) Claimant's position at Walmart required him to move boxes in the back of the store. Claimant said he told his supervisor at Walmart that he was having difficulties and that his immediate supervisor told him he did not have to lift the heavy boxes, that the supervisor would have other employees handle those tasks. (Tr. 1.p. 44) Claimant was provided restriction by Dr. Barazanji on August 14, 2012, restricting his lifting to 20 pounds for one month. (Ex. M, p. 4) On August 21, 2012, Dr. Barazanji lifted his restrictions. (Ex. M. p. 6) Claimant testified he eventually started working part-time for Walmart. He had surgery on his knee on April 24, 2013. (Ex. B, p. 3) He never returned to work at Walmart. He resigned on May 3, 2012. (Ex. D, p. 22) Claimant did not believe he could work as a cashier or his previous job at Walmart. (Tr. 1, p. 48) He has not looked for work after he left Walmart. Claimant has taken two online and one in person classes at a community college since February 2014. Claimant was nine credits shy of obtaining an associate's degree.

Gregg Stearns, human resources manager for ServiceMaster testified at the hearing. He said that the backpack vacuum cleaner weighed 15 pounds. ServiceMaster complied with the restriction provide by Todd C. Troll, M.D. He was informed claimant had been released from his restrictions and he returned claimant to work. (Tr. 1, p. 73) ServiceMaster received Dr. Barazanji's restrictions that expired August 19, 2011. Claimant did not return to work after August 19, 2011, and he was considered to have voluntarily quit his job. (Tr. 1, pp. 77, 78; Ex. C, p. 4)

Claimant eventually saw Robert Hirschl, M.D. for his back. Dr. Hirschl told him that an operation was needed for his back. (Tr. 2, p. 29, Ex. 24, pp. 214, 216) Claimant has not wanted to undergo surgery due to the risk of surgery and lack of certain results.

On October 14, 2014, Dr. Hirschl responded to questions from claimant's counsel. He was not able to provide an opinion on causation. He noted that overall claimant's condition was degenerative in nature and his injury of February 2011 could aggravate his underlying condition. (Ex. 28, p. 231)

Claimant said he currently experiences a lot of pain in his back when he exerts himself. Claimant said that his knee provides some problems, especially when it is cold, but his back is his most significant problem. (Tr. 2, p. 25)

Claimant was seen by Lynn Lindaman, M.D. on December 17, 2009, concerning both back and knee pain. X-rays were taken of the back and knee. Dr. Lindaman's impression was spondylolysis and osteoarthritis. (Ex. 1, p.1) On February 11. 2010, Dr. Lindaman noted that the Celebrex he had prescribed had relieved claimant's pain. (Ex. 1, p. 2) In response to questions posed by defendant's counsel, Dr. Lindaman agreed that claimant had L5/S1 spondylolysis even before his examination in December 2009. (Ex. B, p. 5) He also said claimant would have recurrent back pain regardless of his activities due to his spondylolysis. (Ex. B, p. 7) Dr. Lindaman had no opinion as to whether the claimant had a temporary or permanent impairment due to an injury on February 3, 2011. (Ex. J, p. 7)

On February 4, 2011, claimant was seen a La Clinica Medica of Des Moines for back pain. He was diagnosed with lumbago, provided prescriptions and a 10 pound lifting restriction. (Ex. 2, pp. 5, 7) Claimant was seen at Iowa Methodist Occupational Health and Wellness on February 14, 2011, for his back pain.

On February 14, 2011, Michael Knipp, M.D. diagnosed back strain/sprain and imposed lifting restrictions. (Ex. 4, p. 32) On March 31, 2011, Dr. Knipp noted that claimant reported he was 70 percent improved. (Ex. 4, p. 35) On April 5, 2011, claimant reported he had not had any additional physical therapy since his last visit. Dr. Knipp reported claimant informed him that after his last physical therapy claimant reported he was in bed for three days. Dr. Knipp noted he did not report these difficulties during his March 31 visit. Dr. Knipp provided restrictions of no carrying the vacuum pack, rest for ten minutes every one to two hours and applying heat. (Ex. 4, p. 37) On April 21, 2011, claimant had an MRI. The impression of the MRI was "(1) Mild lumbar scoliosis; (2) A broad-based far left lateral disc protrusion and foraminal stenosis are present at L3-L4; (3) A broad-based right paracentral disc protrusion and lateral recess stenosis are present at L4-L5; and (4) Spondylolysis and minimal spondylolisthesis with bilateral foraminal narrowing are noted at L5-S1." (Ex. 6, p. 56) On May 5, 2011, Dr. Knipp reviewed the MRI results with the claimant. He noted that the radiologist who performed the MRI described the results as a chronic appearance with no acute findings. (Ex. 4, p. 41)

Claimant went to his primary care physician, Majed Barazanji, M.D., on April 11, 2011, for complaints of back pain. He diagnosed claimant with "Low back pain." (Ex. 3, p. 9) On April 27, 2011, Dr. Barazanji, went over the results of an MRI with claimant

and wrote that claimant had "Lumbar spinal stenosis. Spondylosis." (Ex. 3, p. 11) On August 12, 2012, Dr. Barazanji, had a follow-up examination of the claimant for his back pain. He noted that the MRI showed disk bulge and stenosis. Dr. Barazanji released claimant to return to work on August 19, 2011. (Ex. 3, p. 14)

On August 14, 2012, claimant reported he had been lifting heavy objects at work and his pain started a few days ago. (Ex. 3, p. 15) He was diagnosed with low back pain. (Ex. 3, p. 16) Dr. Barazanji provided a 20 pound lifting restriction for one month. (Ex. 3, p. 18; Ex. M, p. 4) On August 7, 2013, Dr. Barazanji provided a report to Polk County General Assistance that claimant was incapacitated due to back pain. (Ex. 3, p. 27)

On June 6, 2011, Todd Troll, M.D. examined claimant. He continued the 20 pound lifting restrictions and recommended physical therapy. (Ex. 7, pp. 59, 60) On July 11, 2011, Dr. Troll raised claimant's lifting restriction to 30 pounds. (Ex. 7, pp. 64, 65) On August 9, 2011, Dr. Troll returned claimant to work without restrictions. (Ex. 7, p. 68) On August 11, 2011, claimant saw Dr. Troll and requested a month off work. Dr. Troll would not medically authorize such a leave and told the claimant he could ask his employer for such a leave. Dr. Troll wrote,

> Plan for return to full duty without restrictions. Pt can discuss with his employer whether a leave of absence is possible. His exam remains normal. He has subjective complaints with a normal physical exam. Follow up as needed.
>
> Pt has documented spondylosis on MRI. I feel the persistence of his pain is probably related to this and the type of work he has been doing is not a good match for his degenerative condition. The pt wants to pursue FMLA to get some time off of work to see if this will help his overall pain.

(Ex. 7, p. 66)

On August 19, 2011, Dr. Troll assigned a zero impairment rating. (Ex. 7, p. 69) On July 10, 2014, in response to defendants' counsel, Dr. Troll wrote that based upon the February 3, 2011, injury claimant had a "Temporary aggravation of documented spondylosis." (Ex. N, p. 2)

On October 3, 2011, Steven Quam, D.O. examined the claimant. Dr. Quam reported that claimant told him he hurt his back while doing carpet cleaning. (Ex. 9, p. 86) Dr. Quam provided claimant with a lumbar epidural injection on October 3, 2011, and August 29, 2012.

On February 18, 2013, Robin Sassman, M.D. performed an independent medical examination (IME). Dr. Sassman recorded that the heaviest thing claimant

lifted was a vacuum cleaner weighing 50 pounds. (Ex. 10, p. 94) Her diagnosis was "Lumbago." Dr. Sassman wrote,

> It is my opinion that the injury that occurred on or about February 3, 2011, is directly and causally related to his symptoms and the abnormalities noted on his MRI. This opinion is supported by the fact that although he had remote complaints of back pain in 2009, he denies any radicular complaints at that time. The radicular complaints did not occur until the injury in question in February of 2011. During this injury he was lifting and twisting, which is the type of movement that is often associated with disc injuries with lifting. Given that he denies radicular symptoms prior to this injury and there is no evidence in the currently available record that he sought care for these types of symptoms prior to this injury, it would be my opinion that the injury that occurred on February 3, 2011, is directly and causally related to his current low back symptoms.

(Ex. 10, p. 99)

Dr. Sassman recommended an additional MRI and a referral to a pain management specialist. She did not believe claimant was at maximum medical improvement. However she did provide an impairment rating of 8 percent to the whole body. (Ex. 10, p. 100) Dr. Sassman issued another report on January 2, 2014. She affirmed her prior opinions. Dr. Sassman said that the claimant informed her that when he was working at Walmart his co-workers would lift the heaver items for him. (Ex. 10, p. 105)

Claimant had an MRI in February 2014. On March 11, 2014, Ai Huong Phu, D.O. examined claimant. His assessment was (1) Lumbar Disc Degeneration; (2) Herniated Lumbar Disc; (3) Lumbar Facet Syndrome; and (4) Lumbar Spondylolisthesis. (Ex. 23, pp. 198, 199) Dr. Phu ordered an EMG and referral for pain management. The EMG came back abnormal. (Ex. 23, p. 204) Dr. Phu responded to a series of questions posed by claimant's counsel. The draft answers as well as the final draft of the answer were submitted. (Ex. 27, pp. 223 - 228) Dr. Phu made corrections on the question and requested the corrections be made and sent back to him (Ex. 27, p. 225) The first version did not check a line in questions one and two. Question seven was checked "Disagree." (Ex. 27, pp. 223, 224) The final draft had the first two question answered and question 7 was checked agree. There was no explanation as to why there were changes, which does to some extent lessen the weight of this report. Dr. Phu agreed that claimant's February 3, 2011, work injury caused his L5-S1 radiculopathy and facet arthropathy to become symptomatic. Dr. Phu stated that based upon conversations with claimant, the claimant had never been pain free. (Ex. 27, p. 227)

CONCLUSIONS OF LAW

The claimant has the burden of proving by a preponderance of the evidence that the alleged injury actually occurred and that it both arose out of and in the course of the employment. Quaker Oats Co. v. Ciha, 552 N.W.2d 143 (Iowa 1996); Miedema v. Dial Corp., 551 N.W.2d 309 (Iowa 1996). The words "arising out of" referred to the cause or source of the injury. The words "in the course of" refer to the time, place, and circumstances of the injury. 2800 Corp. v. Fernandez, 528 N.W.2d 124 (Iowa 1995). An injury arises out of the employment when a causal relationship exists between the injury and the employment. Miedema, 551 N.W.2d 309. The injury must be a rational consequence of a hazard connected with the employment and not merely incidental to the employment. Koehler Electric v. Wills, 608 N.W.2d 1 (Iowa 2000); Miedema, 551 N.W.2d 309. An injury occurs "in the course of" employment when it happens within a period of employment at a place where the employee reasonably may be when performing employment duties and while the employee is fulfilling those duties or doing an activity incidental to them. Ciha, 552 N.W.2d 143.

The claimant has the burden of proving by a preponderance of the evidence that the injury is a proximate cause of the disability on which the claim is based. A cause is proximate if it is a substantial factor in bringing about the result; it need not be the only cause. A preponderance of the evidence exists when the causal connection is probable rather than merely possible. George A. Hormel & Co. v. Jordan, 569 N.W.2d 148 (Iowa 1997); Frye v. Smith-Doyle Contractors, 569 N.W.2d 154 (Iowa App. 1997); Sanchez v. Blue Bird Midwest, 554 N.W.2d 283 (Iowa App. 1996).

The question of causal connection is essentially within the domain of expert testimony. The expert medical evidence must be considered with all other evidence introduced bearing on the causal connection between the injury and the disability. Supportive lay testimony may be used to buttress the expert testimony and, therefore, is also relevant and material to the causation question. The weight to be given to an expert opinion is determined by the finder of fact and may be affected by the accuracy of the facts the expert relied upon as well as other surrounding circumstances. The expert opinion may be accepted or rejected, in whole or in part. St. Luke's Hosp. v. Gray, 604 N.W.2d 646 (Iowa 2000); IBP, Inc. v. Harpole, 621 N.W.2d 410 (Iowa 2001); Dunlavey v. Economy Fire and Cas. Co., 526 N.W.2d 845 (Iowa 1995). Miller v. Lauridsen Foods, Inc., 525 N.W.2d 417 (Iowa 1994). Unrebutted expert medical testimony cannot be summarily rejected. Poula v. Siouxland Wall & Ceiling, Inc., 516 N.W.2d 910 (Iowa App. 1994).

"When an expert opinion is based upon an incomplete history, the opinion is not necessarily binding upon the commissioner. The commissioner as trier of fact has the duty to determine the credibility of the witnesses and to weigh the evidence, together with the other disclosed facts and circumstances, and then to accept or reject the opinion." Dunlavey v. Economy Fire & Casualty Co., 526 N.W.2d 845 (Iowa 1995)

I find that claimant had an injury that arose out of and in the course of his employment due to lifting a trash can at work and hurting/aggravating his back. I also find that this injury was a temporary aggravation of a preexisting condition.

The medical and testimonial evidence in this case does not support a finding of permanent disability. I find the opinion of Dr. Troll the most convincing. Dr. Barazanji returned claimant to work without restriction as of August 19, 2011. Dr. Knipp noted a chronic condition with no acute findings.

Claimant minimized his work duties that he performed as an Inventory Associate at Walmart. From June 2012 through December 2012 claimant worked, on average, a little less than 40 hours per week[2]. (Ex. 19, pp. 156, 157) In January 2013 claimant began reducing his hours so that by May 2012 he was working ten hours per week. Claimant left his position with Walmart due to his knee surgery, not his back pain. (Ex. D, p. 22) Claimant worked a substantial period of time for Walmart. Claimant reported to Dr. Barazanji, in August 2012 that he was lifting heavy objects at Walmart and his pain started a few days ago. He informed Dr. Sassman that he did not lift heavy items at Walmart and relied upon co-workers to assist him. His position required him to move inventory on a daily basis. The job description from Walmart required lifting 50 pounds. No Walmart co-employee or Walmart supervisors provided testimony that supported claimant's statements he did not lift heavy objects at Walmart. Given claimant's statement to Dr. Barazanji that he was lifting heavy items at work in his position moving inventory at Walmart, I find that claimant was lifting heavy items at Walmart. Based upon this finding I cannot give full weight to Dr. Sassman's IME opinions and her supplemental report.

Dr. Phu's report was partially based on claimant telling him he was in constant pain since February 2011. The evidence shows that his pain would wax and wane and was not consistent. He worked at Walmart in inventory for periods of time and for time periods was not receiving treatment for substantial pain symptoms.

Claimant has requested temporary benefits from August 6, 2011, through May 9, 2012, and August 14, 2012, through August 21, 2012.

Claimant was off work from August 6, 2011, through August 18, 2011, based upon limitations that Dr. Barazanji provided. Although Dr. Troll had released the claimant, claimant did have a recommendation from his physician not to work until August 19, 2011. I find that during that time period claimant had a temporary impairment that arose out of and in the course of his employment with ServiceMaster. Claimant decided not to return to work after August 18, 2011, even though Dr. Troll and Dr. Barazanji had lifted his restrictions. Claimant has proven by a preponderance of the

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[2] The pay records appear to be for a biweekly period and defendant's brief stating that claimant was working 78- to 80 hours per week is incorrect.

evidence that he is entitled to temporary total disability benefits from August 12 through August 18, 2012. The claimant has not met his burden of proof that he has either a temporary total, healing period or permanent partial disability after August 18, 2012. However, claimant is not entitled to benefits for the first three days of his injury. See. Iowa Code section 85.32. Defendants shall pay temporary total disability benefits for August 15, 16, 17 and 18, 2011.

I do not doubt the claimant has back pain that has causes him significant limitations. However, my holding in this decision is that he has failed to prove that his work at ServiceMaster caused temporary total/healing period disability benefits, other than a short period, or he has a permanent partial disability due to his work at ServiceMaster. Clearly claimant has a permanent impairment, but the medical evidence does not convinceingly show that it was related to his February 3, 2011, injury at ServiceMaster. The credible medical evidence is that he had a temporary aggravation of his back at his work at ServiceMaster. Claimant has not proven that it was more likely than not that his work at ServiceMaster caused a permanent disability.

As I have found a temporary disability only, claimant is not entitled to his request for alternate medical care. He has not proven his medical care requested is related to his February 3, 2011, injury.

Iowa Code section 85.39 provides in part,

> If an evaluation of permanent disability has been made by a physician retained by the employer and the employee believes this evaluation to be too low, the employee shall, upon application to the commissioner and upon delivery of a copy of the application to the employer and its insurance carrier, be reimbursed by the employer the reasonable fee for a subsequent examination by a physician of the employee's own choice, and reasonably necessary transportation expenses incurred for the examination. The physician chosen by the employee has the right to confer with and obtain from the employer-retained physician sufficient history of the injury to make a proper examination.

In this case the defendants have paid part of the independent medical examination. They did not pay a portion of the cost, the abstracting fee. (Tr. 2, p. 9) Defendant stated in the hearing that the IME fee was unreasonable and that they paid the portion that was reasonable. Defendants did not pay the cost of abstracting ($175.00) and the IME hourly rate above the base rate ($570). (Ex. 20, p.160)

There is one case that upheld an agency decision that did not award the cost of abstracting; Hansen v. Snap-On Tools Manufacturing, No.: 12-1038 (Iowa App., 2013)(unreported). The court held that in that case the agency properly determined that the abstracting fee was not reasonable. I do not find Hansen persuasive in this case. In Hansen, there were over $3,000.00 in abstracting fees. The total IME cost was over

$9,000.00 in Hansen. The total cost of the IME in this case was $2,145.00 of which abstraction was $175.00. I also do not find that the $570.00 for additional time on the IME was unreasonable. Dr. Sassman's time spent on the reports and examination is reasonable given the complexity of the evaluation and thoroughness of the report. I find that the abstracting cost is reasonable. Abstracting by staff, rather than by a physician, is cost effective rather than excessive or unreasonable. Defendants shall pay the remaining $745.00 for the IME.

Claimant has requested medical millage of $191.15 and out of pocket medical expenses of $24.00. I find that defendants shall reimburse claimant's medical mileage until August 18, 2011, and any out-of-pocket medical expense incurred between February 3, 2011, and August 18, 2011.

Claimant has request an interpreter fee of $147.99 for the services of an interpreter as part of the IME with Dr. Sassman. (Ex. 21, p. 180) I award this cost as a necessary part of the IME pursuant to Iowa Code section 85.39. Claimant is also requesting the $60.00 cost of an interpreter for a conference call on May 15, 2013. (Ex. 21, p. 182) Claimant provided no authority to award the cost of an interpreter for a May 15, 2013, conference call. This appears to be part of a different case, an application for alternate medical care, which was dismissed on May 16, 2013. Any claim for costs should have been pursued in that claim and is not part of this arbitration decision. This cost is denied.

Claimant requested the costs of $128.90 for his deposition. In my discretion I find that claimant is entitled to this cost. Claimant has requested reimbursement of $250.00 and $150.00 for two medical reports. (Ex. 30, p. 242) The documentation for these costs show however that claimant was charged for a conference with claimant's attorney, not for any subsequent report. (Ex. 30 pp. 246, 248) As such, the costs are denied.

ORDER

Defendants shall pay temporary total disability benefits for August 15, 16, 17 and 18, 2011, at the rate of two hundred fourteen and 13/100 dollars ($214.13) per week.

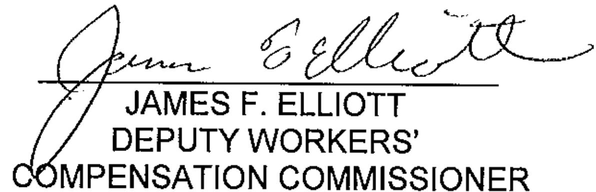
Defendants shall pay seven hundred forty-five dollars ($745.00) for the remaining IME expenses.

Defendant shall pay costs, medical expenses and medical mileage as set forth in this decision.

Accrued benefits shall be paid in lump sum together with interest pursuant to Iowa Code section 85.30.

Defendants shall file subsequent reports of injury (SROI) pursuant to rule 876 IAC 3.1.

Signed and filed this 24th day of July, 2015.



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Right to Appeal: This decision shall become final unless you or another interested party appeals within 20 days from the date above, pursuant to rule 876-4.27 (17A, 86) of the Iowa Administrative Code. The notice of appeal must be in writing and received by the commissioner's office within 20 days from the date of the decision. The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday. The notice of appeal must be filed at the following address: Workers' Compensation Commissioner, Iowa Division of Workers' Compensation, 1000 E. Grand Avenue, Des Moines, Iowa 50319-0209.