

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

ALFREDO AYALA,	:	File No. 5026613	
Claimant,	:	APPEAL	FILED
vs.	:	DECISION	JUL -1 2015
TYSON FOODS, INC.,	:		WORKERS' COMPENSATION
Employer,	:		
Self-Insured,	:	Head Note No.: 1803	
Defendant.	:		

Claimant Alfredo Ayala appeals from a review-reopening decision filed July 24, 2014. The review-reopening hearing was held on July 1, 2014, and this case was considered fully submitted on July 8, 2014, in front of the deputy workers' compensation commissioner. The deputy commissioner determined that claimant failed to prove an increase in his industrial disability and claimant was awarded nothing. Claimant asserts on appeal that the deputy commissioner erred in finding that claimant failed to prove an increase in his industrial disability. Previously, an arbitration hearing was held in this case on July 8, 2009. In the arbitration decision dated September 24, 2009, the deputy workers' compensation commissioner in that proceeding awarded Claimant industrial disability of 45 percent. In this review-reopening proceeding, Claimant asserts that the award of industrial disability should be increased by an additional 20 to 40 percent. Defendant asserts that the findings of the deputy commissioner should be affirmed on appeal. 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 in this review-reopening proceeding.

Pursuant to Iowa Code sections 86.24 and 17A.5, I affirm and adopt as the final agency decision those portions of the proposed review-reopening decision filed on July 24, 2014, that relate to issues properly raised on intra-agency appeal without additional comment.

ORDER

IT IS THEREFORE ORDERED that the review-reopening decision of July 24, 2014, is AFFIRMED in all respects.

Claimant shall pay the costs of the appeal, including the preparation of the hearing transcript.

Signed and filed this 1st day of July, 2015.

Joseph S. Cortese II

JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

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