

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

JEREMIAH COGGINS,

Claimant,

vs.

QUAD COUNTY CORN PROCESSORS,

Employer,

and

ACCIDENT FUND GENERAL  
INSURANCE COMPANY,

Insurance Carrier,  
Defendants.

File No. 5059597

A P P E A L

D E C I S I O N

Head Note Nos: 1108.50; 1402.30; 2800;  
2801; 2802; 5-9998

Claimant Jeremiah Coggins appeals from an arbitration decision filed on January 2, 2019. Defendants Quad County Corn Processors, employer, and its insurer, Accident Fund General Insurance Company, respond to the appeal. The case was heard on September 7, 2018, and it was considered fully submitted in front of the deputy workers' compensation commissioner on October 10, 2018.

In the arbitration decision, the deputy commissioner found claimant satisfied his burden of proof to establish he sustained a back injury that arose out of and in the course of his employment with defendant-employer. The deputy commissioner determined the proper manifestation date for claimant's injury was October 5, 2016. The deputy commissioner found claimant knew or should have known that his injury was serious enough to have a permanent adverse impact on his employment either on October 5, 2016, or no later than January 30, 2017. Because defendants did not have notice of claimant's injury until June 13, 2017, the deputy commissioner found claimant did not provide timely notice of his injury. As a result, the deputy commissioner determined this claim is barred by the affirmative notice defense in Iowa Code section 85.23.

Claimant asserts on appeal that the deputy commissioner improperly applied the discovery rule.

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 January 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 satisfied his burden to prove he sustained a work-related back injury. I affirm the deputy commissioner's finding that claimant knew or should have known his injury was serious enough to have a permanent impact on his employment on October 5, 2016, or in the alternative, no later than January 30, 2017. I affirm the deputy commissioner's finding that claimant failed to provide timely notice under Iowa Code section 85.23. I affirm the deputy commissioner's finding that this claim is barred by operation of Iowa Code section 85.23. I affirm the deputy commissioner's finding that each party shall bear their own costs of the arbitration proceeding.

ORDER

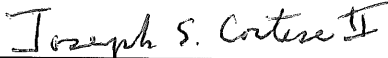
IT IS THEREFORE ORDERED that the arbitration decision filed on January 2, 2019, is affirmed in its entirety.

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 13<sup>th</sup> day of February, 2020.

  
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JOSEPH S. CORTESE II  
WORKERS' COMPENSATION  
COMMISSIONER

The parties have been served as follows:

Mary C. Hamilton Via WCES

Eric Lanham Via WCES