

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

BRUCE FRAKES,

Claimant,

vs.

YELLOW FREIGHT,

Employer,

and

OLD REPUBLIC INSURANCE CO.,

Insurance Carrier,
Defendants.

FILED

FEB 27 2019

WORKERS COMPENSATION

File Nos. 5020033, 5063146

RULING ON CLAIMANT'S

MOTION FOR REHEARING

On February 15, 2019, the undersigned filed an arbitration decision in these files. On February 21, 2019, claimant filed a motion seeking post-decision relief. Claimant does not style the motion as an application for rehearing or as a motion nunc pro tunc. The motion is considered as a timely application for rehearing pursuant to Iowa Code section 17A.16(2) and 876 IAC 4.24.

Claimant's motion seeks clarification of the order in the arbitration decision. Claimant points out that the undersigned concluded on pages 12 and 13 of the arbitration decision that claimant is entitled to reimbursement of his independent medical evaluation fees pursuant to Iowa Code section 85.39. However, claimant correctly also points out that the undersigned did not specifically order reimbursement of the independent medical evaluation fees in the order section of the arbitration decision.

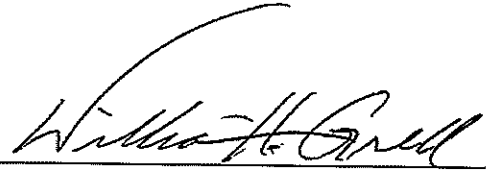
Review of the arbitration decision demonstrates that it was the undersigned's conclusion and intention to award claimant's independent medical evaluation fees. However, due to oversight, this award was not specifically made in the order section of the arbitration decision. Claimant's motion; therefore, states a request that should be granted.

THEREFORE, IT IS ORDERED:

The order section of the February 15, 2019 arbitration decision is amended to include the following additional order:

Defendants shall reimburse claimant's independent medical evaluation fee totaling two thousand five hundred eighty-seven and 00/100 dollars (\$2,587.00).

Signed and filed this 27th day of February, 2019.



WILLIAM H. GRELL
DEPUTY WORKERS'
COMPENSATION COMMISSIONER

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