

## BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

VERNE DUDLEY,

Claimant,

vs.

DUDLEY BROTHERS CO., INC.,

Employer,

and

WEST BEND MUTUAL INS. CO.,

Insurance Carrier,  
Defendants.

File No. 5067344.01

A P P E A L

D E C I S I O N

Head Notes: 1402.10; 1402.30; 2001;  
2002; 2907; 5-9998

Claimant Verne Dudley appeals from an arbitration decision filed on January 14, 2022. Defendants Dudley Brothers Co, Inc., employer, and its insurer, West Bend Mutual Ins. Co., respond to the appeal. The case was heard on June 21, 2021, and it was considered fully submitted in front of the deputy workers' compensation commissioner on August 23, 2021.

In the arbitration decision, the deputy commissioner found that the evidence introduced in the arbitration proceeding establishes claimant was an independent contractor and was not an employee of defendant-employer when claimant was injured on July 20, 2018. Because the deputy commissioner found claimant failed to prove he was an employee of defendant-employer when the injury occurred, the deputy commissioner found the other issues raised in this matter are moot. The deputy commissioner ordered the parties to pay their own costs of the arbitration proceeding.

Claimant asserts on appeal that the deputy commissioner erred in finding the evidence in this matter establishes claimant was an independent contractor and was not an employee of defendant-employer when claimant was injured. Claimant asserts the deputy commissioner erred in finding the other issues raised in this matter are moot. Claimant asserts the deputy commissioner erred in ordering the parties to pay their own costs of the arbitration proceeding.

Defendants assert 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.

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 14, 2022, 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 the evidence in this matter establishes claimant was an independent contractor and was not an employee of defendant-employer when claimant was injured. I affirm the deputy commissioner's finding that the other issues raised in this matter are moot. I affirm the deputy commissioner's order that the parties pay their own costs of the arbitration proceeding.

I affirm the deputy commissioner's findings, conclusions, and analysis regarding the above-stated issues.

#### ORDER

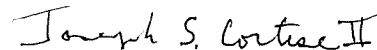
IT IS THEREFORE ORDERED that the arbitration decision filed in this matter on January 14, 2022, is affirmed in its entirety.

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 the costs of the appeal, including the cost of the hearing transcript, shall be paid by claimant.

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 April, 2022.



---

JOSEPH S. CORTESE II  
WORKERS' COMPENSATION  
COMMISSIONER

The parties have been served as follows:

Anthony Olson (via WCES)

James Peters (via WCES)