

## BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

JENNIFER LYNN,

Claimant,

vs.

DRYNACHAN, LLC,

Employer,

and

TECHNOLOGY INSURANCE CO.,

Insurance Carrier,  
Defendants.

File No. 5059930

A P P E A L

D E C I S I O N

Headnotes: 1402.40; 1402.60; 1403.10;  
1801; 2501; 2907; 5-9998

Claimant Jennifer Lynn appeals from an arbitration decision filed on January 5, 2022. Defendants Drynachan, LLC, employer, and its insurer, Technology Insurance Company respond to the appeal. The case was heard on February 18, 2020, and it was considered fully submitted in front of the deputy workers' compensation commissioner on May 4, 2020.

In the arbitration decision, the deputy commissioner found claimant failed to meet her burden of proof to establish she sustained permanent disability as a result of the stipulated work injury which occurred on January 10, 2017. The deputy commissioner found claimant is not entitled to reimbursement from defendants for medical expenses incurred after June 28, 2017, or for unauthorized care claimant received before June 28, 2017. 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 claimant failed to prove she sustained permanent disability as a result of the work injury. Claimant asserts the deputy commissioner erred in finding claimant is not entitled to reimbursement from defendants for her medical expenses and costs.

Defendants assert on appeal that the arbitration decision should be affirmed in its entirety.

Those portions of the proposed arbitration decision pertaining to issues not raised on appeal are adopted as 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 5, 2022, which relate to the issues properly raised on intra-agency appeal.

I find the deputy commissioner provided a well-reasoned analysis of all 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 failed to prove she sustained permanent disability as a result of the work injury. I affirm the deputy commissioner's finding that claimant is not entitled to reimbursement from defendants for medical expenses incurred after June 28, 2017, or for unauthorized care claimant received before June 28, 2017. I affirm the deputy commissioner's order that the parties pay their own costs of the arbitration proceeding.

Some of the findings by the deputy commissioner in the arbitration decision were based on the deputy commissioner's findings regarding claimant's credibility. The deputy commissioner found claimant was not credible. I find the deputy commissioner correctly assessed claimant's credibility. While I performed a de novo review on appeal, I give considerable deference to findings of fact which are impacted by the credibility findings expressly or impliedly made by the deputy commissioner who presided at the hearing. I find nothing in the record in this matter which would cause me to reverse the deputy commissioner's findings regarding claimant's credibility.

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

#### ORDER

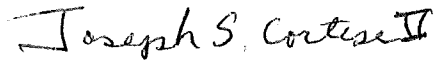
IT IS THEREFORE ORDERED that the arbitration decision filed on January 5, 2022, is affirmed in its entirety.

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 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 29<sup>th</sup> day of June, 2022.



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JOSEPH S. CORTESE II  
WORKERS' COMPENSATION  
COMMISSIONER

The parties have been served as follows:

Jenna Green (via WCES)

Valerie Foote (via WCES)

Andrew Tice (via WCES)