

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

RICHARD RAMER,

Claimant,

vs.

KRYGER GLASS,

Employer,

and

SECURITY NATIONAL INS. CO.,

Insurance Carrier,  
Defendants.

**FILED**

**MAR 31 2015**

WORKERS' COMPENSATION

File No. 5039788

APPEAL

DECISION

Head Note Nos.: 1803, 3000

Claimant Richard Ramer appeals from an arbitration decision filed February 18, 2014. Defendants Kryger Glass and Security National Insurance Company cross-appeal. The case was heard on July 11, 2013, and it was considered fully submitted on August 27, 2013. The deputy commissioner awarded claimant a 70 percent industrial disability. The deputy commissioner also determined claimant's correct weekly benefit rate is \$417.87. The deputy commissioner also determined claimant is not entitled to penalty benefits. Claimant asserts on appeal that the deputy commissioner erred in not awarding permanent total disability. Claimant also asserts that the deputy commissioner erred in not determining that the correct weekly benefit rate is \$503.25. Claimant also asserts that the deputy commissioner erred in not awarding penalty benefits. Defendants assert on cross-appeal that the deputy commissioner erred in not finding that the award of industrial disability should be in the range of 30-35 percent. Defendants also assert that the deputy commissioner erred in not finding that the correct weekly benefit rate is \$406.17. Defendants also assert that the deputy commissioner correctly determined claimant is not entitled to penalty benefits. The detailed arguments of the parties have been considered and the record of evidence has been reviewed de novo.

Pursuant to Iowa Code sections 86.24 and 17A.5, I affirm and adopt as the final agency decision those portions of the proposed arbitration decision filed on February 18, 2014, that relate to issues properly raised on intra-agency appeal without additional comment.

ORDER

IT IS THEREFORE ORDERED that the arbitration decision of February 18, 2014, is AFFIRMED.

Defendants shall pay the costs awarded in the arbitration decision and the parties shall each pay one half of the costs of the appeal, including the preparation of the hearing transcript.

Signed and filed this 31st day of March, 2015.



JOSEPH S. CORTESE II  
IOWA WORKERS'  
COMPENSATION COMMISSIONER

Copies to:

Jean Mauss  
Attorney at Law  
6611 University Ave, Ste 200  
Des Moines, IA 50324-1655  
[jmauss@msalaw.net](mailto:jmauss@msalaw.net)

Andrew T. Tice  
Attorney at Law  
100 Court Ave., Ste. 600  
Des Moines, IA 50309  
[atice@ahlerslaw.com](mailto:atice@ahlerslaw.com)