

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

AMANDA ROBERTS,

Claimant,

VS.

LINN COUNTY, IOWA,

Self-Insured Employer,  
Defendant.

File No. 19000117.01

A P P E A L

## DECISION

Head Notes: 1402.40; 1804; 2204; 2501;  
4100; 5-9998

Defendant Linn County, self-insured employer, appeals from an arbitration decision filed on October 6, 2022. Claimant Amanda Roberts responds to the appeal. The case was heard on April 13, 2022, and it was considered fully submitted in front of the deputy workers' compensation commissioner on June 10, 2022.

In the arbitration decision, the deputy commissioner found claimant met her burden of proof to establish she is permanently and totally disabled under Iowa Code section 85.34(3) and also under the common law odd-lot doctrine as a result of the stipulated work injury which occurred on June 5, 2019. The deputy commissioner found claimant is entitled to receive permanent total disability benefits from March 24, 2020, and continuing for as long as claimant remains totally disabled. The deputy commissioner found defendant is responsible for the requested past medical expenses set forth in Exhibit 7.

On appeal, defendant asserts the deputy commissioner erred in finding claimant proved she is permanently and totally disabled and in finding claimant is entitled to receive permanent total disability benefits as a result of the work injury. Defendant asserts the deputy commissioner erred in finding defendant is responsible for the requested past medical expenses set forth in Exhibit 7.

Claimant asserts 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 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.15 and 86.24, I affirm and adopt as the final agency decision those portions of the proposed arbitration decision filed on October 6, 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 proved she is permanently and totally disabled under Iowa Code section 85.34(3) and also under the common law odd-lot doctrine as a result of the work injury. I affirm the deputy commissioner's finding that claimant is entitled to receive permanent total disability benefits from March 24, 2020, and continuing for as long as claimant remains totally disabled. I affirm the deputy commissioner's finding that defendant is responsible for the requested past medical expenses set forth in Exhibit 7.

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 October 6, 2022, is affirmed in its entirety.

Defendant shall pay claimant permanent total disability benefits at the stipulated weekly rate of nine hundred fourteen and 49/100 dollars (\$914.49) from March 24, 2020, and continuing for as long as claimant remains totally disabled.

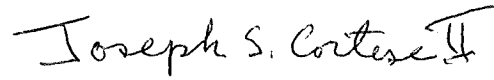
Defendant shall pay interest on all unpaid weekly benefits at an annual rate equal to the one-year treasury constant maturity published by the federal reserve in the most recent H15 report settled as of the date of injury, plus two percent.

Defendant is responsible for the requested past medical expenses set forth in Exhibit 7, and defendant shall pay, satisfy, and shall otherwise hold claimant harmless for those medical expenses.

Pursuant to rule 876 IAC 4.33, defendant shall pay the costs of the appeal, including the cost of the hearing transcript.

Pursuant to rule 876 IAC 3.1(2), defendant shall file subsequent reports of injury as required by this agency.

Signed and filed on this 8<sup>th</sup> day of February, 2023.

Handwritten signature of Joseph S. Cortese II in black ink.

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JOSEPH S. CORTESE II  
WORKERS' COMPENSATION  
COMMISSIONER

The parties have been served as follows:

Darin Luneckas      (via WCES)

Cory Speth          (via WCES)