

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

LUCILE A. DEVRIES,

Claimant,

vs.

WAL-MART STORES, INC.,

Employer,

and

AMERICAN HOME ASSURANCE
CORP./AIG,

Insurance Carrier,
Defendants.

FILED

APR 17 2015

WORKERS' COMPENSATION

File No. 5040128

APPEAL

DECISION

Head Note Nos.: 1803.1; 1804; 4000

Defendants, Wal-Mart Stores, Inc., employer, and American Home Assurance Corporation, insurance carrier, appeal from a remand decision of May 30, 2014. The case was heard on August 14, 2012, in front of the deputy workers' compensation commissioner. On November 13, 2012, the deputy found claimant to be permanently and totally disabled. The decision was appealed and on July 12, 2013, the Commissioner remanded the case back to the deputy for an expansion on the facts and legal conclusions the deputy relied upon in arriving at his decision.

The remand decision affirmed the previous findings but expanded on the reasoning behind the findings. On June 19, 2014, defendants appealed the remand decision.

The deputy commissioner found that claimant had a permanent and total disability as a result of a left shoulder injury. Defendants, employer and insurer, assert on appeal that the deputy commissioner erred in its disability findings as well as the award of mileage.

Claimant asserts the findings of the deputy commissioner should be affirmed on appeal. 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 remand decision filed on May 30, 2014, that relate to issues properly raised on intra-agency appeal without additional comment.

ORDER

IT IS THEREFORE ORDERED that the remand decision of May 30, 2014, is AFFIRMED.

Defendants, Wal-Mart Stores, Inc., employer, and American Home Assurance Corporation, insurance carrier, shall pay the costs of the appeal, including the preparation of the hearing transcript.

Signed and filed this 17th day of April, 2015.



JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

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