

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

FREDERICK DESHAW,

Claimant,

vs.

G & A FARMS,

Employer,

and

GRINNELL MUTUAL INSURANCE,

Insurance Carrier,
Defendants.

FILED

AUG 02 2018

WORKERS' COMPENSATION

File No. 5038609

A P P E A L

D E C I S I O N

Head Note Nos: 1108.20, 1402.60,
2204, 2501, 2701; 5-9998

Defendants G & A Farms, employer, and its insurer, Grinnell Mutual Insurance, appeal from an arbitration decision filed on February 2, 2017. Claimant Frederick DeShaw responds to the appeal. The case was scheduled for hearing on October 19, 2016, but the parties elected to submit the case on the administrative record. The case was considered fully submitted in front of the deputy workers' compensation commissioner on January 3, 2017.

The deputy commissioner found claimant carried his burden of proof that his depression is a sequela of the stipulated work injury which arose out of and in the course of claimant's employment with defendant-employer on March 15, 2011. The deputy commissioner found claimant is entitled to reimbursement in the amount of \$3,605.44 for past requested medical expenses, along with reimbursement in the amount of \$1,123.26 for medical mileage, because the deputy commissioner found those items were reasonable and necessary expenses for the treatment of claimant's depression. The deputy commissioner found claimant is entitled to alternate medical care for ongoing treatment of his depression because defendants denied liability for claimant's depression. The deputy commissioner ordered defendants to pay claimant's costs of the arbitration proceeding in the amount of \$673.85.

Defendants assert on appeal that the deputy commissioner erred in finding claimant's depression is a sequela of the work injury. Defendants assert the deputy commissioner erred in finding claimant is entitled to reimbursement for the requested past medical expenses and the requested medical mileage. Defendants assert the deputy commissioner erred in finding claimant is entitled to alternate medical care for ongoing treatment of his depression.

Claimant asserts 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.

Having performed a de novo review of the evidentiary record and the detailed arguments of the parties, 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 February 2, 2017, which relate to the issues properly raised on intra-agency appeal.

I find the deputy commissioner provided a well-reasoned analysis 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 claimant's depression is a sequela of the March 15, 2011, work injury. I affirm the deputy commissioner's finding that claimant is entitled to reimbursement for the requested past medical expenses and the requested medical mileage because those items were reasonable and necessary expenses for the treatment of claimant's depression. I affirm the deputy commissioner's finding that claimant is entitled to alternate medical care for ongoing treatment of his depression because defendants denied liability for claimant's depression. I affirm the deputy commissioner's order that defendants pay claimant's costs of the arbitration proceeding in the amount of \$673.85. I affirm the deputy commissioner's findings, conclusions and analysis regarding those issues.

ORDER

IT IS THEREFORE ORDERED that the arbitration decision filed on February 2, 2017, is affirmed in its entirety.

Claimant has established his depression is a sequela of his March 15, 2011, work injury.

Defendants shall reimburse claimant three thousand six hundred five and 44/100 dollars (\$3,605.44) for the requested past medical expenses and one thousand one hundred twenty-three and 26/100 dollars (\$1,123.26) for the requested past medical mileage.

Defendants are responsible for the cost of all future medical expenses, including medical mileage, casually related to claimant's depression.

Pursuant to rule 876 IAC 4.33, defendants shall pay claimant's costs of the arbitration proceeding in the amount of \$673.85, and defendants 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 2nd day of August, 2018.

Joseph S. Cortese II

JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

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