

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

CYNTHIA BRONNER,	:	FILED
Claimant,	:	JUL -7 2017
vs.	:	WORKERS' COMPENSATION
SQUARE D n/k/a SCHNEIDER ELECTRIC USA, INC.,	:	File No. 5051089
Employer,	:	A P P E A L
and	:	D E C I S I O N
NEW HAMPSHIRE INSURANCE COMPANY,	:	
Insurance Carrier, Defendants.	:	Head Note Nos: 1803, 4000.2 2700, 5-9998

Defendants Square D n/k/a Schneider Electric USA, Inc., employer, and its insurer, New Hampshire Insurance Company, appeal from an arbitration decision filed on December 7, 2015. Claimant Cynthia Bronner cross-appeals. The case was heard on October 5, 2015, and it was considered fully submitted in front of the deputy workers' compensation commissioner on November 11, 2015.

The deputy commissioner found claimant is not entitled to healing period benefits for the stipulated work-related injury which arose out of and in the course of claimant's employment with defendant-employer on April 22, 2013. The deputy commissioner found the work injury caused claimant to sustain permanent disability, and the deputy commissioner awarded claimant 30 percent industrial disability, which entitles claimant to 150 weeks of permanent partial disability benefits commencing on April 22, 2013. The deputy commissioner found claimant is entitled to five weeks of penalty benefits totaling \$3,869.90. The deputy commissioner found claimant is entitled to ongoing medical treatment from David Tearse, M.D., for the work injury. The deputy commissioner found claimant is entitled to reimbursement from defendants pursuant to Iowa Code section 85.39 for the cost of the independent medical evaluation (IME) of Robin Sassman, M.D., performed on April 22, 2015. The deputy commissioner ordered defendants to pay claimant's costs of the arbitration proceeding.

Defendants assert on appeal that the deputy commissioner erred in finding the work injury caused permanent disability. Defendants assert the deputy commissioner erred in awarding any industrial disability.

Claimant asserts on cross-appeal that the deputy commissioner erred in failing to award healing period benefits. Claimant asserts the deputy commissioner erred in awarding only 30 percent industrial disability, and in failing to award either substantially more industrial disability or, in the alternative, in failing to award permanent total disability.

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 86.24 and 17A.15, I affirm and adopt as the final agency decision those portions of the proposed arbitration decision filed in this matter on December 7, 2015, which relate to issues properly raised on intra-agency appeal.

I find the deputy commissioner provided sufficient analysis of the issues raised in the arbitration proceeding. I affirm the deputy commissioner's finding that claimant is not entitled to healing period benefits for the work injury. I affirm the deputy commissioner's finding that the work injury caused claimant to sustain permanent disability. I affirm the deputy commissioner's award of 30 percent industrial disability. I affirm the deputy commissioner's award of penalty benefits totaling \$3,869.90. I affirm the deputy commissioner's finding that claimant is entitled to ongoing medical treatment from Dr. Tearse for the work injury. I affirm the deputy commissioner's finding that claimant is entitled to reimbursement from defendants pursuant to Iowa Code section 85.39 for the cost of Dr. Sassman's IME. I also affirm the deputy commissioner's order taxing defendants with claimant's costs of the arbitration proceeding. I affirm the deputy commissioner's findings, conclusions and analysis regarding those issues.

ORDER

IT IS THEREFORE ORDERED that the arbitration decision filed on December 7, 2015, is affirmed in its entirety.

Defendants shall pay claimant one hundred fifty (150) weeks of permanent partial disability benefits at the stipulated weekly rate of seven hundred seventy-three and 58/100 dollars (\$773.58) commencing April 22, 2013.

Defendants shall pay accrued weekly benefits in a lump sum together with interest pursuant to Iowa Code section 85.30.

Defendants shall be given credit for any benefits previously paid.


Defendants shall pay claimant, as a penalty for an unreasonable denial of weekly benefits, five (5) weeks of weekly benefits at the stipulated rate of seven hundred seventy-three and 58/100 dollars (\$773.58) per week, which totals three thousand eight hundred sixty-nine and 90/100 dollars (\$3,869.90).

Defendants shall continue to authorize and provide claimant with medical treatment recommended by Dr. Tearse for the work injury.

Pursuant to rule 876 IAC 4.33, defendants shall pay claimant's costs of the arbitration proceeding, and the parties shall split 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 this 7th day of July, 2017.



JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

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