

reasonable and beneficial pursuant to the legal standard established by the Iowa Supreme Court in Bell Bros. Heating v. Gwinn, 779 N.W.2d 193 (Iowa 2010).

On December 1, 2014, claimant filed her application for rehearing asserting that the deputy commissioner erred on all points addressed in the arbitration decision. On December 8, 2014, defendants filed their response to claimant's application for rehearing asserting that the application for rehearing should be denied in its entirety. In the ruling filed on December 9, 2014, the deputy commissioner denied the application for rehearing in all regards.

Claimant asserts on appeal that the deputy commissioner erred in awarding claimant nothing for healing period benefits through the date of the arbitration hearing based on the determination that defendants met their burden to prove a valid authorization defense for the medical treatment received by claimant from Dr. VonGillern. Claimant asserts that the deputy commissioner erred in determining that the Iowa Supreme Court's decision in Donnelly and the "law of the case doctrine" do not bar defendants from asserting the authorization defense for the medical treatment received by claimant from Dr. VonGillern. Claimant asserts that the deputy commissioner erred in determining defendants regained the right to control, or direct, claimant's medical care under Iowa Code section 85.27 when defendants filed their amended answer on November 8, 2012. Claimant also asserts that the deputy commissioner erred in determining claimant failed to meet her burden to prove that the medical treatment provided by Dr. VonGillern was reasonable and beneficial pursuant to the legal standard established by the Iowa Supreme Court's decision in Bell Bros.

Defendants assert on appeal that the arbitration decision should be affirmed in its entirety.

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 in all regards.

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 November 12, 2014, that relate to issues properly raised on intra-agency appeal with the following additional analysis:

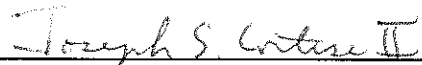
The deputy commissioner provided sufficient analysis of all issues raised in the arbitration proceeding. I concur with the deputy commissioner's findings of fact and conclusions of law pertaining to all of these issues. Therefore, I adopt the deputy commissioner's findings, conclusions and analysis regarding all of these issues.

ORDER

IT IS THEREFORE ORDERED that the arbitration decision of November 12, 2014, is AFFIRMED in its entirety.

Claimant shall pay the costs of the appeal, including the preparation of the hearing transcript.

Signed and filed this 6th day of January, 2016.



JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

Copies to:

Anthony J. Bribriesco
Attorney at Law
2407 18th St., Ste. 200
Bettendorf, IA 52722
ajbribriesco@netexpress.net

Valerie A. Landis
Attorney at Law
2700 Grand Ave., Ste. 111
Des Moines, IA 50312
vlandis@hhlawpc.com