

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

SCOTT EALY,
Claimant,

vs.

WEITZ INDUSTRIAL, LLC,
Employer,

and

ILLINOIS NATIONAL INSURANCE
COMPANY,

Insurance Carrier,
Defendants.



File No. 5054511

MEMORANDUM OF
ALTERNATE MEDICAL CARE

Head Note No.: 2701

On June 2, 2017, claimant filed an application for alternate medical care under Iowa Code section 85.27 and rule 876 IAC 4.48. A hearing was held on June 14, 2017. All parties were given proper notice.

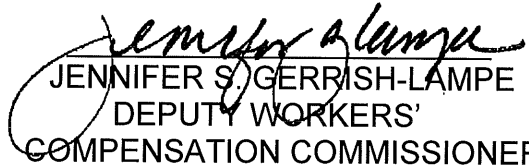
Claimant sustained an injury on July 25, 2014, which arose out of and in the course of employment. Claimant is dissatisfied with the medical treatment offered by the defendants.

The hearing was recorded via digital voice recorder and a complete decision was dictated into the record on the day of the hearing. The decision will be reproduced in typewritten form only if the decision is appealed, and the parties are advised to follow the procedures outlined under the administrative code. Any rights of appeal will run from the date the decision was dictated into the record on June 14, 2017.

The deputy ordered that claimant's petition that his KAFO brace be repaired and/or replaced is granted. Because of the long delays and the repeated failures to comply with their legal obligation, defendants have until June 21, 2017, to comply with the order granting the alternate medical care. Failure to do so will subject the defendants to sanctions.

Pursuant to a standing order of delegation of authority by the workers' compensation commissioner pursuant to Iowa Code section 86.3, the undersigned enters this decision for the workers' compensation commissioner. There is no right of appeal of this decision to the workers' compensation commissioner. Appeal of this decision, if any, would be by judicial review pursuant to Iowa Code section 17A.19.

Signed and filed this 14th day of June, 2017.


JENNIFER S. GERRISH-LAMPE
DEPUTY WORKERS'
COMPENSATION COMMISSIONER

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