

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

JONATHAN SCHMIDT,	:	
	:	File No. 5061305
Claimant,	:	
	:	A P P E A L
vs.	:	
	:	D E C I S I O N
CITY OF WATERLOO, IOWA,	:	
	:	
Self-Insured Employer,	:	Head Notes: 1402.40, 1802, 1803, 2501;
Defendant.	:	2907, 3002; 5-9998

Defendant City of Waterloo, Iowa, employer, appeals from an arbitration decision filed on September 26, 2019. Claimant Jonathan Schmidt responds to the appeal. The case was heard on June 5, 2019, and it was considered fully submitted in front of the deputy workers' compensation commissioner on July 12, 2019.

The deputy commissioner found claimant sustained 25 percent industrial disability as a result of the stipulated October 1, 2014, work injury. In doing so, the deputy commissioner specifically found claimant's testimony about his ongoing condition to be credible. The deputy commissioner found claimant is entitled to receive healing period benefits for the work injury from October 23, 2014, to November 3, 2014. The deputy commissioner found claimant's correct weekly benefit rate for the work injury is \$588.00. The deputy commissioner found claimant is not entitled to receive reimbursement for his unauthorized medical treatment. The deputy commissioner ordered defendant to pay claimant's costs of the arbitration proceeding in the amount of \$202.42.

On appeal, defendant asserts the deputy commissioner erred in finding claimant sustained permanent disability as a result of the work injury. In the alternative, defendant asserts the deputy commissioner's award of industrial disability is excessive and should be reduced. In making these arguments, defendant asserts the deputy commissioner erred in finding claimant to be credible.

I have performed a de novo review of the evidentiary record and the detailed arguments of the parties, and 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 September 26, 2019, which relate to the issues properly raised on intra-agency appeal.

I find the deputy commissioner provided a well-reasoned analysis of all 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 sustained permanent disability as a result of the work injury. Specifically, I affirm the deputy commissioner's finding that claimant sustained 25 percent industrial disability.

While I performed a de novo review, I give considerable deference to findings of fact that are impacted by the credibility findings, expressly or impliedly made, by the deputy commissioner who presided at the arbitration hearing. Defendant asserts the deputy commissioner erred in finding claimant to be credible. I find the deputy commissioner correctly assessed claimant's credibility. I find nothing in the record in this matter which would cause me to reverse the deputy commissioner's credibility findings.

I affirm the deputy commissioner's findings, conclusions and analysis regarding the above issues.

ORDER

IT IS THEREFORE ORDERED that the arbitration decision filed on September 26, 2019, is affirmed in its entirety.

All weekly benefits shall be payable at the stipulated weekly rate of five hundred eighty-eight and 00/100 dollars (\$588.00) per week.

Defendant shall pay claimant healing period benefits from October 23, 2014, to November 3, 2014.

Defendant shall pay claimant one hundred twenty-five (125) weeks of permanent partial disability benefits commencing on November 4, 2014.

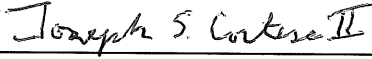
Defendant shall pay claimant any underpayment of the weekly rate occurring prior to the date of the hearing, including the healing period from October 23, 2014, through November 3, 2014.

Defendant shall pay accrued weekly benefits in a lump sum together with interest at the rate of ten percent for all weekly benefits payable and not paid when due which accrued before July 1, 2017, and all interest on past due weekly compensation benefits accruing on or after July 1, 2017, shall be payable at an annual rate equal to the one-year treasury constant maturity published by the federal reserve in the most recent H15 report settled as of the date of injury, plus two percent. See Gamble v. AG Leader Technology, File No. 5054686 (App. Apr. 24, 2018).

Pursuant to rule 876 IAC 4.33 defendants shall pay claimant's costs of the arbitration proceeding in the amount of two hundred two and 42/100 dollars (\$202.42), and defendant shall pay the costs of the appeal, including the cost of the hearing transcript.

Pursuant to rule 876 IAC 3.1(2), defendant shall file subsequent reports of injury as required by this agency.

Signed and filed on this 17th day of June, 2020.



JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

The parties have been served as follows:

James Fitzsimmons	Via WCES
Bruce Gettman	Via WCES
Adam Babinat	Via WCES