

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

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DIANA HAYES,

Claimant,

vs.

CARGILL MEAT SOLUTIONS,

Employer,  
Self-Insured  
Defendant.

File No. 5016708, 5023141

A P P E A L

D E C I S I O N

Head Note No.: 1803

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Pursuant to Iowa Code sections 86.24 and 17A.15 I affirm and adopt as final agency action those portions of the proposed decision in this matter that relate to issues properly raised on intra-agency appeal with the following additional comments:

Claimant appeals asserting that the presiding deputy commissioner failed to award additional permanent partial disability above the impairment ratings assigned by Drs. Lin and Schurman. Claimant argues that the presiding deputy failed to explain why the level of disability was not higher than the rating of impairment in this scheduled member disability claim. Claimant's arguments are without merit. The presiding deputy noted the medical records document that claimant's complaints of numbness and tingling reduced following her upper extremity surgery and her lower extremity complaints also resolved; that claimant was released to full duty without the need for restrictions for both her upper and lower extremities; initial testing of claimant's functional capacity exhibited a sub-maximal effort by claimant; claimant's complaints of lack of functional ability are out of proportion to the observations of her physicians following her surgeries; and that claimant has been able to return to work with her employer without an impact on her employer's expectations of her ability to function at work. The findings of the presiding deputy are well reasoned and are supported by the evidence contained within the record and must therefore be affirmed.

The presiding deputy's determination that a penalty assessment is not warranted under the facts of this case is affirmed without additional comment.

IT IS THEREFORE ORDERED that the arbitration decision is AFFIRMED with the added comments in this decision.

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

Signed and filed this 2nd day of July, 2009.

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CHRISTOPHER J. GODFREY  
WORKERS' COMPENSATION  
COMMISSIONER

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