

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

JENNIFER JONES,

Claimant,

vs.

ALUMA, LTD.,

Employer,

and

DEPOSITORS INSURANCE
COMPANY,Insurance Carrier,
Defendants.

File No. 5066837

A P P E A L

D E C I S I O N

Head Notes: 1402.30; 1803; 2501; 2502;
2907; 5-9998

Claimant Jennifer Jones appeals from an arbitration decision filed on April 22, 2020. Defendants Aluma, Ltd., employer, and its insurer, Depositors Insurance Company, respond to the appeal. The case was heard on March 3, 2020, and it was considered fully submitted in front of the deputy workers' compensation commissioner on April 1, 2020.

In the arbitration decision, the deputy commissioner found claimant was not a credible witness. As such, the deputy commissioner found claimant failed to meet her burden of proof to establish she sustained an injury that arose out of and in the course of her employment with defendant-employer. This finding rendered the issues of permanency and recovery of medical expenses moot. The deputy commissioner found claimant is not entitled to receive reimbursement from defendants for her independent medical examination (IME) under Iowa Code section 85.39. The deputy commissioner found each party should pay their own costs of the arbitration proceeding.

On appeal, claimant asserts the deputy commissioner erred in finding claimant failed to prove she sustained a work-related injury. Claimant asserts the deputy commissioner erred by finding claimant was not credible and by ignoring medical evidence which allegedly supports claimant's position. Claimant asserts it should be

found on appeal that she is entitled to receive permanency benefits and medical benefits for her alleged injury. Claimant also asserts it should be found she is entitled to taxation of her costs against defendants.

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.

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. I find the deputy commissioner correctly assessed the credibility of claimant. I find nothing in the record in this matter which would cause me to reverse the deputy commissioner's credibility findings. Thus, I affirm the deputy commissioner's finding that claimant was not a credible witness.

I likewise affirm the deputy commissioner's finding that claimant failed to prove she sustained a work-related injury as alleged. I find the deputy commissioner did not ignore medical evidence as claimant asserts, but to the contrary, I find the deputy commissioner went through the entirety of the evidentiary record in detail in her findings of fact and then performed a thorough analysis and comparison of claimant's testimony and medical records in the conclusions of law.

Having affirmed the deputy commissioner's finding that claimant failed to prove she sustained a work-related injury as alleged, I affirm the deputy commissioner's finding that the issues of permanency benefits and medical benefits are moot. I affirm the deputy commissioner's finding that claimant is not entitled to receive reimbursement from defendants for her IME under Iowa Code section 85.39. I affirm the deputy commissioner's finding that each party should pay their own costs of the arbitration proceeding.

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

ORDER

IT IS THEREFORE ORDERED that the arbitration decision filed on April 22, 2020, is affirmed in its entirety.

Claimant shall take nothing from these proceedings.

Pursuant to rule 876 IAC 4.33, the parties shall pay their own costs of the arbitration proceeding, and claimant 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 November, 2020.

Joseph S. Cortese II

JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

The parties have been served as follows:

Janece M. Valentine (via WCES)

Anne Clark (via WCES)