

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

TERESA GLADE,

Claimant,

vs.

CENTERVILLE COMMUNITY
BETTERMENT, INC.,

Employer,

and

TECHNOLOGY INSURANCE
COMPANY,

Insurance Carrier,
Defendants.

File No. 5056268

A P P E A L

D E C I S I O N

Head Note Nos: 1803; 4100; 5-9998

FILED

JAN 25 2019

WORKERS' COMPENSATION

Defendants Centerville Community Betterment, Inc., employer, and its insurer, Technology Insurance Company, appeal from an arbitration decision filed on August 22, 2017. Claimant Teresa Glade cross-appeals. The case was heard on March 23, 2017, and it was considered fully submitted in front of the deputy workers' compensation commissioner on May 5, 2017.

The deputy commissioner found claimant sustained 80 percent industrial disability, which entitles claimant to receive 400 weeks of permanent partial disability benefits commencing on October 13, 2016, as a result of the stipulated injury which arose out of and in the course of claimant's employment with defendant-employer on February 9, 2016. The deputy commissioner found claimant is entitled to receive \$300.00 in penalty benefits for unreasonable delays by defendants in paying weekly benefits. The deputy commissioner ordered defendants to pay claimant's costs of the arbitration proceeding in the amount of \$100.00.

Defendants assert on appeal that the deputy commissioner erred in finding claimant sustained 80 percent industrial disability as a result of the work injury. Defendants assert the award for industrial disability should be reduced substantially. Defendants assert the deputy commissioner erred in awarding penalty benefits and defendants assert claimant failed to properly preserve the issue of penalty benefits as a hearing issue.

Claimant asserts on cross-appeal that the deputy commissioner erred in awarding 80 percent industrial disability because claimant asserts the deputy commissioner erred in failing to find claimant is permanently and totally disabled as a result of the work injury. In the alternative, claimant asserts the award of 80 percent industrial disability should be affirmed.

Those portions of the proposed agency decision pertaining to issues not raised on appeal are adopted as a part of this appeal decision.

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 August 22, 2017, which relate to the issues properly raised on intra-agency appeal.

I find the deputy commissioner provided sufficient 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 80 percent industrial disability as a result of the work injury. I find claimant properly preserved the issue of penalty benefits as a hearing issue and I affirm the deputy commissioner's award of \$300.00 in penalty benefits. I affirm the deputy commissioner's order that defendants pay claimant's costs of the arbitration proceeding in the amount of \$100.00. I affirm the deputy commissioner's findings, conclusions and analysis regarding those issues.

ORDER

IT IS THEREFORE ORDERED that the arbitration decision filed on August 22, 2017, is affirmed in its entirety.

Defendants shall pay claimant four hundred (400) weeks of permanent partial disability benefits at the weekly rate of two hundred eighty-four and 06/100 dollars (\$284.06) commencing October 13, 2016.

Defendants shall receive credit for all benefits previously paid.

Defendants 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

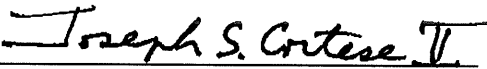
recent H15 report settled as of the date of injury, plus two percent. See Gamble v. AG Leader Technology, File No. 5054686 (App. Apr. 24, 2018).

Defendants shall pay claimant three hundred and 00/100 dollars (\$300.00) in penalty benefits.

Pursuant to rule 876 IAC 4.33, defendants shall pay claimant's costs of the arbitration proceeding in the amount of \$100.00, and the parties shall split the costs of the appeal, including the cost of the hearing transcript.

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

Signed and filed on this 25th day of January, 2019.


JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

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