BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

YOLANDA PERLA,	:	
Claimant,	:	File No. 5046388
vs.	:	
	:	REVIEW-REOPENING
TYSON FRESH FOODS, INC.,	:	
	:	DECISION
Employer,	:	
Self-Insured,	:	
Defendant.	:	Head Note Nos.: 1804, 2905

STATEMENT OF THE CASE

Yolanda Perla, claimant, filed a petition seeking review-reopening of a prior arbitration award of this agency. In a February 23, 2015 arbitration decision, claimant was found entitled to healing period benefits and awarded a running healing period against defendant, Tyson Fresh Foods, Inc., as the self-insured employer. The arbitration decision was affirmed on intra-agency appeal and on judicial review.

The review-reopening hearing was held on August 14, 2017. The evidentiary record consists of Joint Exhibits 1 through 8, Claimant's Exhibits 3 through 8 and Defendant's Exhibits A through C. Claimant testified with the assistance of an interpreter at trial and defendant called Alberto Olguin to testify.

The parties filed a hearing report at the commencement of the review-reopening hearing. On the hearing report, the parties entered into various stipulations. All of those stipulations were accepted and are hereby incorporated into this arbitration decision and no factual or legal issues relative to the parties' stipulations will be raised or discussed in this decision. The parties are now bound by their stipulations.

On the hearing report, the parties stipulate that claimant sustained permanent disability as a result of the April 12, 2013 work injury. The parties further stipulate that healing period entitlement is no longer in dispute. The parties also stipulate that the commencement date for permanent disability is February 17, 2015. The parties' stipulations are read and understood to be a stipulation that claimant is no longer in a healing period, that a significant change in condition has occurred, and that Ms. Perla's claim for permanent disability is ripe for determination at this time.

At the conclusion of the review-reopening hearing, counsel for the parties requested the opportunity to file post-hearing briefs. Their request was granted. The

parties filed simultaneous post-hearing briefs on September 18, 2017 and the case was considered fully submitted to the undersigned at that time.

ISSUE

The parties submitted the following issues for determination:

1. The extent of claimant's entitlement to permanent disability benefits.

2. Whether claimant is entitled to payment, reimbursement, or an order requiring defendants to hold her harmless for all past medical expenses, as itemized in Claimant's Exhibit 7.

3. Whether costs should be assessed against either party.

FINDINGS OF FACT

Having considered all of the evidence and testimony in the record, recognizing that there may be competing or contradictory facts within this evidentiary record, I find the following facts:

Ms. Perla sustained an injury to her right shoulder as well as a permanent and material aggravation of her pre-existing rheumatoid arthritis as a result of her work activities at Tyson. (Hearing Report; Arbitration Decision; Appeal Decision) Ms. Perla had surgery for her right shoulder and was not at maximum medical improvement at the time of the arbitration hearing. (Arbitration Decision; Appeal Decision) Ms. Perla has since achieved maximum medical improvement and the parties stipulate that the commencement date for permanent disability should be February 17, 2015. (Hearing Report)

Tyson appears to argue that claimant's current condition and disability are not causally related to the initial injury. Claimant contends that the current causal connection is not subject to debate given the prior findings and conclusions of a deputy commissioner, the commissioner, and a district court on judicial review.

In the February 23, 2015 arbitration decision, the presiding deputy commissioner entered the following findings:

> Dr. Rettenmaier has treated claimant since 2007. In March 2013, he noted she was having increasing shoulder pain, which he stated was due to work activity. (Jt. Ex. A, p, 36) He gave her bilateral shoulder injections in June 2013. On June 21, 2013, he stated he felt her shoulder pain was not caused by her rheumatoid arthritis, but was more likely caused by a shoulder impingement. On September 19, 2013, he noted her work was aggravating her pre-existing rheumatoid arthritis, and that this was causing her temporary symptoms. (Jt. Ex. A, pp. 51-53). In September 2014, Dr. Rettenmeier again stated claimant's work was a substantial

> factor in bringing about both her right shoulder condition and the need for the right shoulder surgery, from impingement and over-use. (Ex. 1) Overall, Dr. Rettenmaier, who was treating claimant for years, concluded her shoulder impingement was caused by her work, and not her rheumatoid arthritis; and that her rheumatoid arthritis had been aggravated by her work.

(Arbitration Decision, pp. 8-9)

The previous deputy commissioner clearly relied upon Lawrence Rettenmaier, M.D.'s causation opinions and entered the following findings relative to the right shoulder injury and claimant's pre-existing rheumatoid arthritis:

> It is concluded the greater weight of the evidence shows claimant's rheumatoid arthritis was aggravated by her work activities. It also shows claimant suffered an impingement injury to her shoulder, and that injury necessitated shoulder surgery. Claimant has suffered a cumulative injury arising out of and in the course of her employment on April 12, 2013, and that injury has resulted in an aggravation of her rheumatoid arthritis and an impingement injury to her shoulder, along with the need for shoulder surgery, and those conditions and the surgery are found to be causally related to her work. It is further found claimant has suffered both temporary and permanent disability as a result of her work injury.

(Arbitration Decision, p. 10)

Defendant sought intra-agency, de novo appeal of these factual findings. The commissioner considered the issue and reached the following conclusion:

> I affirm the deputy commissioner's finding that claimant carried her burden of proof that she sustained an injury which arose out of and in the course of her employment on April 12, 2013, which caused a permanent aggravation of claimant's pre-existing rheumatoid arthritis condition and which also caused an injury to claimant's right shoulder.

(Appeal Decision, p. 2)

Defendant sought judicial review of the commissioner's May 23, 2016, Appeal Decision. On November 16, 2016, the District Court affirmed the commissioner's Appeal Decision. (Judicial Review Decision) No further judicial review was sought. Therefore, the findings of fact from the deputy, as affirmed by the commissioner, became final and binding as the law of the case.

Tyson introduces new causation opinions from Dr. Rettenmaier and Dr. Galles pertaining to claimant's current shoulder condition. However, these issues were already

litigated and it was found that claimant's work activities caused a permanent aggravation of claimant's pre-existing rheumatoid arthritis and an injury to claimant's right shoulder. (Appeal Decision, p. 2) I am not at liberty to ignore, modify, or reverse any of the factual findings previously entered by the presiding deputy or the commissioner.

Therefore, whether I agree with the factual findings or not, I must find that the underlying work injury caused a permanent aggravation of claimant's pre-existing rheumatoid arthritis condition and also caused an injury to claimant's right shoulder. (Appeal Decision, p. 2) The commissioner specifically concluded that the aggravation of claimant's rheumatoid arthritis and right shoulder injury caused permanent disability. (Appeal Decision, p. 2) Therefore, the only question I am charged with deciding is the extent of the permanent disability caused by the aggravation of claimant's rheumatoid arthritis and right shoulder injury.

Defendant is correct in its argument that Dr. Galles released claimant without restrictions specifically related to the right shoulder surgery. (Joint Ex. 4, p. 42) Dr. Galles declared claimant to be at maximum medical improvement. Considered alone, claimant's right shoulder injury caused some permanent disability but not the full extent of claimant's current disability. Ms. Perla clearly has difficulties that are related solely to her rheumatoid arthritis and that are not causally related to the shoulder surgery performed by Dr. Galles. I acknowledge Dr. Galles' statement that Ms. Perla requires no permanent work restrictions as a result of her right shoulder surgery. However, as Dr. Galles acknowledges, "she has other issues unrelated to the tear, including rheumatoid arthritis, that might play into her capabilities and restrictions." (Joint Ex. 4, p. 51)

Indeed, Ms. Perla's rheumatoid arthritis is significant. She has deformities of her hands and describes pain in numerous parts of her body. (Claimant's testimony; Joint Ex. 8) Her rheumatoid arthritis has a profound effect on Ms. Perla's ability to perform daily functions and essentially precludes her from returning to gainful employment.

Dr. Galles did not attempt to determine restrictions related to claimant's rheumatoid arthritis. However, claimant's long-time treating rheumatologist, Lawrence Rettenmaier, M.D., opines that claimant "is incapable of performing any type of manual labor employment. This is a result of Ms. Perla's April 12, 2013 work injury at Tyson, and her rheumatoid arthritis which was materially aggravated by her work at Tyson." (Joint Ex. 5, p. 112)

Ms. Perla also sought an independent medical evaluation, performed by Karen Kienker, M.D., on June 19, 2017. (Joint Ex. 6) Dr. Kienker opined that Ms. Perla "is permanently disabled from all employment." (Joint Ex. 6, p. 118) Dr. Kienker specifically opines that, if employment were pursued, claimant would require permanent restrictions that include "sedentary work with a 5-minute break every 30 minutes to stand up or move around. Her job should require minimal, if any, standing and walking.

She may lift up to 2 pounds rarely. She cannot work above shoulder level. She cannot bend or squat." (Joint Ex. 6, p. 118)

Dr. Rettenmaier's opinion and Dr. Kienker's opinion are similar in their scope and belief that manual labor would be difficult for claimant to perform. Considering claimant's hand deformities and the symptoms she describes resulting from her rheumatoid arthritis, I concur with those physicians' recommendations and find them to be credible, convincing, and accurate.

I acknowledge the permanent impairment ratings offered by Dr. Galles and by Dr. Kienker. Dr. Galles' impairment rating does not take into account claimant's rheumatoid arthritis and does not seem representative of the level of functional impairment Ms. Perla currently experiences. Defendant challenges Dr. Kienker's impairment rating as inaccurate under the AMA Guides. Realistically, the impairment ratings offered in this case demonstrate that claimant has sustained permanent functional impairment. However, I do not find either of the impairment ratings to be terribly helpful in assessing claimant's industrial disability, other than to establish that permanent functional loss has occurred as a result of the work injury.

Ms. Perla is 56 years old. She has three years of education in Guatemala. She has never obtained further education or a GED.

Given her level of education, Ms. Perla is barely literate in Spanish. She is not literate in English and does not speak English fluently, though she acknowledges she can speak a little English. Her medical records demonstrate that she required the use of an interpreter to understand the conversations with her physicians.

Claimant describes significant difficulties holding a pen or pencil to write with her hands. She describes ongoing symptoms over various parts of her body due to her rheumatoid arthritis. She testified that she is unable to get out of bed some days due to the symptoms. (Claimant's testimony)

Ms. Perla's work history is limited. She worked in her mother's grocery store and restaurant in Guatemala. While working for her mother, claimant was required to stock groceries, unload trucks, and other physical tasks that would not be possible in her current condition.

After she came to the United States, Ms. Perla worked as a nanny. Claimant testified that she could not lift a child in her current physical condition. Realistically, claimant is not physically capable of working as a nanny in her current condition.

After working as a nanny, Ms. Perla took a janitorial position cleaning office buildings. It would be unrealistic to expect Ms. Perla to work a janitorial position under either the restrictions from Dr. Rettenmeier or Dr. Kienker.

Ms. Perla has also worked in the fast food industry as a cook. She testified she would not have the strength in her hands to perform this job and also testified that it

requires constant standing and some lifting. This would not be a realistic position for Ms. Perla to perform currently.

The only other employment Ms. Perla has held is with Tyson. She worked more than one position with Tyson, but all were manual, line jobs that required constant standing, use of her hands on a repetitive basis, as well as work above shoulder level. Realistically, claimant is not capable of performing any of the jobs she previously held at Tyson with the restrictions outlined by either Dr. Rettenmeier or Dr. Kienker.

Ms. Perla has not worked since her shoulder surgery in August 2014. Ms. Perla testified that she cannot lift over two pounds and that she cannot stand more than 30 minutes at a time presently. Her testimony is consistent with the medical records and my observations.

There is dispute in the record about claimant's efforts to return to work at Tyson after she was released to return to work by Dr. Galles. Ms. Perla testified that she returned to Tyson and desired to return to work. However, she understood that Tyson required a release from Dr. Rettenmeier as well as Dr. Galles to permit her return to work. Realistically, however, claimant testified she had difficulties even turning on her vehicle because her hands could not manipulate the key to start the ignition.

Ms. Perla testified about her current physical condition and described difficulties with bathing herself. She requires assistance in getting dressed. She cannot open her own medication bottles. She has difficulties holding a cup to drink. She requires special utensils to eat. She described difficulties washing a dish. She can no longer vacuum. Realistically, Ms. Perla's testimony seems extreme but is quite consistent with the medical records and recommendations from Dr. Rettenmeier and Dr. Kienker.

At her age, Ms. Perla is not likely to be able to successfully retrain, which would likely require learning English. Her hands are not capable of performing an office type job. Claimant is not capable of performing manual labor or production type jobs. She is not capable of performing employment that requires any significant standing or walking.

Having considered Ms. Perla's age, educational level, employment history, the situs and severity of her injuries, her permanent restrictions, her language barrier, the unlikelihood of retraining, claimant's motivation level, as well as all other factors of industrial disability outlined by the Iowa Supreme Court, I find that Ms. Perla has proven by a preponderance of the evidence that she is not capable of performing work that her experience, training, education, intelligence level, and phsycial capabilities would otherwise permit her to perform. In spite of testimony by Tyson's witness, I find that there are not any reasonably stable employment positions within the competitive labor market that would be suitable for claimant to perform or for which she would be reasonably considered or hired, given her physical condition, current restrictions and other industrial disability factors.

Claimant's Exhibit 7 contains past medical expenses. Claimant seeks an order compelling defendants to satisfy, reimburse, or otherwise hold claimant harmless for these medical expenses. Neither party briefed this issue in their post-hearing briefs. Review of the medical expenses demonstrates that they are likely related to claimant's treatment for her right shoulder and/or rheumatoid arthritis. Therefore, I find that these expenses are causally related to claimant's work injury at Tyson and that the expenses are reasonable and necessary.

CONCLUSIONS OF LAW

In a proceeding to reopen an award for payments or agreement for settlement as provided by section 86.13, inquiry shall be into whether or not the condition of the employee warrants an end to, diminishment of, or increase of compensation so awarded or agreed upon. Iowa Code section 86.14(2).

The Iowa Supreme Court has held that a claimant does not need to prove that the change in the condition was not contemplated at the time of the original decision(s). Kohlhaas v. Hog Slat, Inc., 777 N.W.2d 387 (Iowa 2009). However, the party bringing the review-reopening proceeding has the burden of showing that the employee's condition has changed since the original award or settlement was made and that that change in condition relates back to the original injury. The change may be either economic or physical. Blacksmith v. All-American, Inc., 290 N.W.2d 348 (Iowa 1980); Henderson v. Iles, 250 Iowa 787, 96 N.W.2d 321 (1959). A mere difference of opinion of experts as to the percentage of disability is not sufficient to justify a different determination on a petition for review-reopening.

To establish a compensable review-reopening claim, claimant must prove by a preponderance of the evidence that the current condition is causally related to the original work injury. Kohlhaas v. Hog Slat, Inc., 777 N.W.2d 387, 392 (Iowa 2009). The principles of res judicata apply, and the agency should not reevaluate facts and circumstances that were known or knowable at the time of the original action. Id.

In this instance, the parties stipulate that claimant's healing period terminated, that permanent disability has been sustained, and that permanent disability commenced on February 17, 2015. (Hearing Report) These stipulations establish the necessary change in condition and justify the review-reopening proceeding.

The parties stipulate that the permanent disability should be compensated via industrial disability. (Hearing Report) However, I must determine the extent of claimant's permanent disability.

Defendant challenges whether claimant's current condition is causally related to the work injury. However, as noted in the findings of fact, the presiding deputy commissioner at the prior arbitration hearing, as well as the commissioner, found that claimant proved a permanent right shoulder injury as well as a permanent aggravation of her rheumatoid arthritis. These findings and conclusions are now the law of the case

and the undersigned cannot ignore, modify, or revise any of those prior findings of fact. It is concluded that the issue of whether the work injury caused a permanent aggravation of claimant's rheumatoid arthritis has already been fully litigated and decided. Given the prior conclusion that defendant is liable for the right shoulder injury as well as the material and permanent aggravation of claimant's rheumatoid arthritis, the only remaining legal issue and question is the extent of claimant's permanent disability given those work injuries.

Since claimant has an impairment to the body as a whole, an industrial disability has been sustained. Industrial disability was defined in Diederich v. Tri-City R. Co., 219 Iowa 587, 258 N.W. 899 (1935) as follows: "It is therefore plain that the legislature intended the term 'disability' to mean 'industrial disability' or loss of earning capacity and not a mere 'functional disability' to be computed in the terms of percentages of the total physical and mental ability of a normal man."

Functional impairment is an element to be considered in determining industrial disability which is the reduction of earning capacity, but consideration must also be given to the injured employee's age, education, qualifications, experience, motivation, loss of earnings, severity and situs of the injury, work restrictions, inability to engage in employment for which the employee is fitted and the employer's offer of work or failure to so offer. McSpadden v. Big Ben Coal Co., 288 N.W.2d 181 (Iowa 1980); Olson v. Goodyear Service Stores, 255 Iowa 1112, 125 N.W.2d 251 (1963); Barton v. Nevada Poultry Co., 253 Iowa 285, 110 N.W.2d 660 (1961).

Compensation for permanent partial disability shall begin at the termination of the healing period. Compensation shall be paid in relation to 500 weeks as the disability bears to the body as a whole. Section 85.34.

Ms. Perla asserts that she is permanently and totally disabled. Defendants dispute the extent of claimant's permanent disability. Total disability does not mean a state of absolute helplessness. Permanent total disability occurs where the injury wholly disables the employee from performing work that the employee's experience, training, education, intelligence, and physical capacities would otherwise permit the employee to perform. See McSpadden v. Big Ben Coal Co., 288 N.W.2d 181 (Iowa 1980); Diederich v. Tri-City R. Co., 219 Iowa 587, 258 N.W. 899 (1935).

A finding that claimant could perform some work despite claimant's physical and educational limitations does not foreclose a finding of permanent total disability, however. See Chamberlin v. Ralston Purina, File No. 661698 (App. October 1987); Eastman v. Westway Trading Corp., II Iowa Industrial Commissioner Report 134 (App. May 1982).

Claimant also asserts that she should receive a permanent total disability award under the odd-lot doctrine. In Guyton v. Irving Jensen Co., 373 N.W.2d 101 (Iowa 1985), the Iowa court formally adopted the "odd-lot doctrine." Under that doctrine a worker becomes an odd-lot employee when an injury makes the worker incapable of

obtaining employment in any well-known branch of the labor market. An odd-lot worker is thus totally disabled if the only services the worker can perform are "so limited in quality, dependability, or quantity that a reasonably stable market for them does not exist." Id., at 105.

Under the odd-lot doctrine, the burden of persuasion on the issue of industrial disability always remains with the worker. Nevertheless, when a worker makes a prima facie case of total disability by producing substantial evidence that the worker is not employable in the competitive labor market, the burden to produce evidence showing availability of suitable employment shifts to the employer. If the employer fails to produce such evidence and the trier of facts finds the worker does fall in the odd-lot category, the worker is entitled to a finding of total disability. Guyton, 373 N.W.2d at 106. Factors to be considered in determining whether a worker is an odd-lot employee include the worker's reasonable but unsuccessful effort to find steady employment, vocational or other expert evidence demonstrating suitable work is not available for the worker, the extent of the worker's physical impairment, intelligence, education, age, training, and potential for retraining. No factor is necessarily dispositive on the issue. Second Injury Fund of Iowa v. Nelson, 544 N.W.2d 258 (Iowa 1995). Even under the odd-lot doctrine, the trier of fact is free to determine the weight and credibility of evidence in determining whether the worker's burden of persuasion has been carried, and only in an exceptional case would evidence be sufficiently strong as to compel a finding of total disability as a matter of law. Guyton, 373 N.W.2d at 106.

In this case, I found that Ms. Perla is not capable of performing any employment within the competitive workforce given her injury and resulting physical limitations. I considered the relevant industrial disability factors and found that Ms. Perla was not capable of performing any employment consistent with her age, education, employment history, and intelligence. Having considered all of the relevant industrial disability factors, I conclude that Ms. Perla is permanently and totally disabled. I reach this finding under the traditional industrial disability analysis and do not rely upon the odd-lot doctrine in reaching this finding.

Permanent total disability benefits generally commence as soon as the disability starts. The parties have stipulated that permanent disability commences in this case on February 17, 2015. Presumably, claimant was paid presumed healing period benefits through February 16, 2015. Pursuant to Iowa Code section 85.34(3)(b), any weekly benefits paid to claimant pursuant to Iowa Code section 85.34(1) would be credited against this award. Therefore, it is sufficient to accept the parties' stipulation and commence permanent total disability benefits effective February 16, 2015.

Ms. Perla also seeks an award of past medical expenses. The employer shall furnish reasonable surgical, medical, dental, osteopathic, chiropractic, podiatric, physical rehabilitation, nursing, ambulance, and hospital services and supplies for all conditions compensable under the workers' compensation law. The employer shall also allow reasonable and necessary transportation expenses incurred for those services. The employer has the right to choose the provider of care, except where the employer

has denied liability for the injury. Section 85.27. Holbert v. Townsend Engineering Co., Thirty-second Biennial Report of the Industrial Commissioner 78 (Review-Reopening October 1975).

Evidence in administrative proceedings is governed by section 17A.14. The agency's experience, technical competence, and specialized knowledge may be utilized in the evaluation of evidence. The rules of evidence followed in the courts are not controlling. Findings are to be based upon the kind of evidence on which reasonably prudent persons customarily rely in the conduct of serious affairs. Health care is a serious affair.

Prudent persons customarily rely upon their physician's recommendation for medical care without expressly asking the physician if that care is reasonable. Proof of reasonableness and necessity of the treatment can be based on the injured person's testimony. Sister M. Benedict v. St. Mary's Corp., 255 Iowa 847, 124 N.W.2d 548 (1963).

It is said that "actions speak louder than words." When a licensed physician prescribes and actually provides a course of treatment, doing so manifests the physician's opinion that the treatment being provided is reasonable. A physician practices medicine under standards of professional competence and ethics. Knowingly providing unreasonable care would likely violate those standards. Actually providing care is a nonverbal manifestation that the physician considers the care actually provided to be reasonable. A verbal expression of that professional opinion is not legally mandated in a workers' compensation proceeding to support a finding that the care provided was reasonable. The success, or lack thereof, of the care provided is evidence that can be considered when deciding the issue of reasonableness of the care. A treating physician's conduct in actually providing care is a manifestation of the physician's opinion that the care provided is reasonable and creates an inference that can support a finding of reasonableness. Jones v. United Gypsum, File 1254118 (App. May 2002); Kleinman v. BMS Contract Services, Ltd., File No. 1019099 (App. September 1995); McClellon v. Iowa Southern Utilities, File No. 894090 (App. January 1992). This inference also applies to the reasonableness of the fees actually charged for that treatment.

Having found that claimant's medical expenses contained at Claimant's Exhibit 7 are reasonable, necessary, and causally related to her right shoulder and/or rheumatoid arthritis, I find those medical expenses are causally related to claimant's work injury at Tyson and conclude that an order should be entered compelling defendant to satisfy any outstanding medical expenses, reimburse claimant for any out-of-pocket expenses, and to otherwise hold claimant harmless for any of the expenses contained in Claimant's Exhibit 7.

Finally, Ms. Perla seeks assessment of her costs. Assessment of costs is a discretionary function of the agency. Iowa Code section 86.40. In this instance, claimant has prevailed on her claim for permanent total disability benefits and I conclude that it is reasonable to assess any appropriate costs sought.

Claimant identified her requested costs as being attached to the hearing report. Claimant attached two expenses to the hearing report. The first is a billing statement from Dr. Kienker for her independent medical evaluation fee.

Only the expense of preparing Dr. Kienker's report is a taxable expense. 876 IAC 4.33(6); Des Moines Area Regional Transit Authority v. Young, 867 N.W.2d 839 (Iowa 2015). Review of Dr. Kienker's billing statement reflects that she billed for one hour of report preparation time totaling $175.00. I, therefore, tax defendant with this expense.

Claimant also attaches a check payable to the Iowa Arthritis and Osteoporosis Center. I recognize this as the clinic where Dr. Rettenmaier practices. However, there is no explanation what this expense represents. It is possible this is the expense of obtaining medical records, a report from Dr. Rettenmaier, or payment of some medical fee. The record presented simply does not demonstrate that this is a taxable cost. Therefore, this request is denied.

ORDER

THEREFORE, IT IS ORDERED:

Defendant shall pay claimant permanent total disability benefits commencing on February 17, 2015, and continuing weekly during the period of claimant's disability.

Pursuant to the prior arbitration and appeal decisions, permanent disability benefits shall be paid at the weekly rate of three hundred ninety-three and 39/100 dollars ($393.39).

Defendant shall pay any outstanding medical expenses directly to the medical provider, reimburse claimant for past payments, or otherwise hold claimant harmless for all past medical expenses contained in Claimant's Exhibit 7.

Defendant shall reimburse claimant's costs in the amount of one hundred seventy-five and 00/100 dollars ($175.00).

Defendant shall file subsequent reports of injury (SROI) as required by this agency pursuant to rules 876 IAC 3.1(2) and 876 IAC 11.7.

Signed and filed this 21st day of December, 2017.

WILLIAM H. GRELL
DEPUTY WORKERS'
COMPENSATION COMMISSIONER

Copies to:

Tammy Westhoff Gentry
Attorney at Law
2910 Grand Ave.
Des Moines, IA 50312
tgentry@parrishlaw.com

Coreen K. Sweeney
Attorney at Law
700 Walnut St., Ste. 1600
Des Moines, IA 50309
cksweeney@nyemaster.com

WHG/sam

Right to Appeal: This decision shall become final unless you or another interested party appeals within 20 days from the date above, pursuant to rule 876-4.27 (17A, 86) of the Iowa Administrative Code. The notice of appeal must be in writing and received by the commissioner's office within 20 days from the date of the decision. The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday. The notice of appeal must be filed at the following address: Workers' Compensation Commissioner, Iowa Division of Workers' Compensation, 1000 E. Grand Avenue, Des Moines, Iowa 50319-0209.