

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

NATHAN LEE LAND,

Claimant,

vs.

TRI-CITY ELECTRIC,

Employer,

and

OLD REPUBLIC INSURANCE
COMPANY,

Insurance Carrier,
Defendants.

File No. 5061334

A P P E A L
D E C I S I O N

Head Notes: 1402.40; 1803; 2907; 5-9998

Defendants Tri-City Electric, employer, and its insurer, Old Republic Insurance Company, appeal from an arbitration decision filed on May 16, 2019. Claimant Nathan Lee Land responds to the appeal. The case was heard on April 16, 2019, and it was considered fully submitted in front of the deputy workers' compensation commissioner on April 30, 2019.

In the arbitration decision, the deputy commissioner found claimant sustained permanent impairment as a result of the stipulated work injury which occurred on December 20, 2016. In reaching this conclusion, the deputy commissioner found claimant's pre-existing sarcoidosis and reactive airways dysfunction syndrome (RADS) were materially aggravated, accelerated, or lit up by the work incident. The deputy commissioner further found defendants are responsible for payment, or reimbursement, of all causally related medical expenses, both in the past and into the future. After considering all relevant factors, the deputy commissioner found claimant sustained 20 percent industrial disability as a result of the work injury, which entitles claimant to receive 100 weeks of permanent partial disability benefits commencing on December 20, 2016. The deputy commissioner ordered defendants to pay claimant's costs of the arbitration proceeding in the amount of \$100.00.

On appeal, defendants assert the deputy commissioner erred in finding claimant proved a causal relationship between the December 20, 2016, work incident and claimant's current condition. In the alternative, defendants assert if it is found on appeal that claimant's condition is related to his employment, it should be found the award of 20 percent industrial disability is excessive and the award should either be reversed entirely or reduced substantially.

Claimant asserts on appeal that the arbitration decision should be affirmed in its entirety.

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

I performed a de novo review of the evidentiary record and the detailed arguments of the parties. Pursuant to Iowa Code sections 17A.15 and 86.24, I affirm and adopt as the final agency decision those portions of the proposed arbitration decision filed on May 16, 2019, which relate to the issues properly raised on intra-agency appeal.

I find the deputy commissioner provided a well-reasoned analysis of all 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 carried his burden of proof to establish the December 20, 2016, work injury caused him to sustain permanent disability. I affirm the deputy commissioner's finding that claimant sustained twenty percent industrial disability as a result of the work injury. 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 May 16, 2019, is affirmed in its entirety.

Defendants shall pay claimant one hundred (100) weeks of permanent partial disability benefits commencing on December 20, 2016.

All weekly benefits shall be paid at the stipulated weekly rate of seven hundred thirty-six and 64/100 dollars (\$736.64).


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 are responsible for payment, or reimbursement, of all causally related medical expenses, both in the past and into the future. According to the August 8, 2019, joint notice concerning medical expenses, the parties reached an agreement regarding the payment of claimant's causally related medical expenses.

Pursuant to rule 876 IAC 4.33, defendants shall pay claimant's costs of the arbitration proceeding in the amount of one hundred and no/100 dollars (\$100.00), and defendants shall pay 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 8th day of June, 2020.



JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

The parties have been served as follows:

Nicholas G. Pothitakis Via WCES

Timothy W. Wegman Via WCES