BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

DAN OWENS,

Claimant,

vs.

SLOAN PLUMBING & DRAIN SERVICE, INC.,

Employer,

and

ACUITY,

Insurance Carrier,
Defendants.

File No. 5057039

ARBITRATION DECISION

Head Note Nos.: 1402.40, 1803, 2501, 2502, 2503, 2907

STATEMENT OF THE CASE

Dan Owens, claimant, filed a petition in arbitration seeking workers' compensation benefits from Sloan Plumbing & Drain Service, Inc., employer, and Acuity Insurance, insurance carrier, as defendants. Hearing was held on October 18, 2017 in Des Moines, Iowa.

Dan Owens and Chad Sloan both testified live at trial. The evidentiary record also includes Joint Exhibits JE1-JE9, Claimant's Exhibits 1-2 and 4-7, Defendants' Exhibits A-J. Claimant offered Exhibit 3, a September 18, 2017 vocational report. However, defendants objected to the exhibit as untimely because it was not served until 14 days before the hearing. The objection was sustained and Exhibit 3 was not admitted into evidence.

The parties filed a hearing report at the commencement of the arbitration 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.

The parties submitted post-hearing briefs on November 17, 2017.

ISSUES

The parties submitted the following issues for resolution:

1. The extent of industrial disability claimant sustained as a result of the stipulated work injury.

2. Whether claimant is entitled to past medical benefits?

3. Whether claimant is entitled to alternate care benefits?

4. Whether claimant is entitled to reimbursement for the IME?

5. Assessment of costs.

FINDINGS OF FACT

The undersigned, having considered all of the evidence and testimony in the record, finds:

Mr. Owens was employed as a residential plumber and HVAC worker for Sloan Plumbing & Drain Services, Inc. (hereinafter "Sloan"). On August 9, 2013, he sustained a work injury when he fell off the roof of a house. Defendants accepted claimant's right lower extremity and back injuries as compensable. The central disputes in this case are whether claimant developed PTSD as a sequela of the work injury and the amount of industrial disability claimant is entitled to receive as a result of the work injury.

At the time of the injury, Mr. Owens was at a residential property with two other Sloan employees. Mr. Owens was on a ladder against a chimney. Unfortunately, the wind caught the ladder and caused Mr. Owens to fall. He hit the first roof, then slid onto the second roof, grabbed the gutter, and fell to the ground. He landed on his feet. He had immediate pain in his right leg and saw the bone sticking out. Mr. Owens was transported via ambulance to the hospital. (JE2, page 4)

Mr. Owens was diagnosed with a comminuted right tibia-fibula fracture and an abdominal contusion. He was taken via LifeFlight to Iowa Methodist Hospital in Des Moines. (JE2, p. 6)

Mr. Owens underwent two surgeries for his right lower extremity. Barron Bremner, D.O. performed the first surgery on August 9, 2013. Dr. Bremner performed a right ankle closed reduction and application of an external fixator. On August 27, 2013, Jon C. Gehrke, M.D. performed the second surgery. Dr. Gehrke removed the external fixator and an open reduction and internal fixation of his right ankle fracture was performed. (JE3) Mr. Owens remained in the hospital until his discharge on September 5, 2013.

Following his discharge Mr. Owens continued to treat with Dr. Gehrke. Initially, claimant was non-weight bearing on his right leg. He had a splint, then he was moved to a short leg cast and eventually a CAM boot. Mr. Owens was partial weightbearing and in a CAM boot with crutches by November of 2013. (JE4) Mr. Owens underwent physical therapy. By August of 2014, Dr. Gehrke talked with Mr. Owens about his partial union of the distal tibia and potential for bone grafting and replating of the area. Mr. Owens wanted to wait and see how he progressed. He returned to see Dr. Gehrke on January 7, 2015 and reported that he was full weight bearing and essentially had no pain. A CT demonstrated that the fracture was healed with some post-traumatic

degenerative changes. He continued with physical therapy. The therapy notes reflect that he progressed well and met his potential. His range of motion and strength were within functional limits. Dr. Gehrke recommended work hardening for Mr. Owens. He released Mr. Owens to return to work without any restrictions on April 18, 2015. (JE4 & 6)

Dr. Gehrke placed Mr. Owens at maximum medical improvement (MMI) on May 20, 2015. (JE4, p. 41) The surgeon assigned Mr. Owens 30 percent impairment to the right lower extremity which is the equivalent of 12 percent impairment to the body as a whole. Mr. Owens' last appointment with Dr. Gehrke was on September 16, 2015. Since that time he has not requested additional treatment for his right lower extremity from the defendants. Instead of returning to the authorized treating physician, Mr. Owens sought treatment on his own with his family physician. This treatment was not authorized by the defendants.

While in physical therapy, Mr. Owens reported some back pain. Defendants had Mr. Owens evaluated by Charles D. Mooney, M.D. on July 9, 2015. Dr. Mooney ordered an MRI which revealed multilevel spondylosis with mild disc bulging at L4-L5. Dr. Mooney recommended physical therapy. However, claimant indicated that he did not have time for physical therapy. He eventually did attend four therapy appointments. The last appointment was on October 8, 2015; he declined any physical therapy after that time. Dr. Mooney placed Mr. Owens at MMI for his back on November 17, 2015. He assigned five percent body as a whole impairment. He did not assign any permanent restrictions. (JE8)

On September 15, 2017, at the request of his attorney, Mr. Owens underwent an independent medical evaluation (IME) with Sunil Bansal, M.D. Dr. Bansal agreed with the MMI dates and impairment ratings issued by Dr. Gehrke and Dr. Mooney. However, Dr. Bansal did assign permanent restrictions. With regard to the right ankle, Dr. Bansal restricted Mr. Owens to no prolonged standing or walking greater than 30 minutes at a time, avoid multiple steps, stairs, or ladders, and avoid uneven terrain. Dr. Bansal did not place any restrictions on Mr. Owens for his back. (Claimant's Exhibit 1)

Mr. Owens also contends that he has post-traumatic stress disorder (PTSD) as a result of the August 9, 2013 work injury. The first mention of any mental health issues in the medical records is in February of 2015. At that time, Mr. Owens reported to his family doctor that he was experiencing difficulty sleeping, felt anxious, and depressed. (JE7, p. 82) Mr. Owens also treated at Plains Area Mental Health beginning in January of 2016. He received treatment there and reported he was going through a divorce. He described this as a very stressful period with his wife due to domestic, drug, and legal issues. Mr. Owens eventually went through Eye Movement Desensitization and Reprocessing (EMDR) therapy but testified that he received no benefit from that treatment. (JE9)

Defendants scheduled an evaluation with Dr. Jennisch at Iowa Psychiatry on July 25, 2017. Mr. Owens failed to attend the appointment. The next available date was not until September 15, 2017. Dr. Jennisch evaluated Mr. Owens. It was

Dr. Jennisch's opinion that Mr. Owens did not fulfill the DSM 5th Ed. criteria for PTSD because he had mild symptoms in certain categories and insufficient symptoms in other categories. However, despite not meeting the required categories, Dr. Jennisch felt Mr. Owens did experience sufficient trauma and symptoms that his mental health condition could be characterized as PTSD. Dr. Jennisch stated that his condition was not permanent. He further noted that his symptoms were mild and did not significantly interfere with his quality of life. He felt Mr. Owens did not require any permanent restrictions for his mental condition. Dr. Jennisch felt that the claimant's level of functioning in all aspects of his life was not consistent with any functional impairment due to a psychiatric condition. (Defendants' Ex. A)

At the request of his attorney, Mr. Owens underwent an independent psychological evaluation with Eva Christiansen, Ph.D. on September 1, 2017. She opined that Mr. Owens suffered from a post-traumatic stress disorder and a somatic symptom disorder with persistent pain. She felt that due to his psychological condition, he would not be able to perform the work he did prior to his work injury. She did not note if any further psychological treatment would be of benefit to him. She opined that his PTSD was permanent. She did not assign any permanent impairment rating. (Cl. Ex. 2)

Defendants dispute claimant's contention that he sustained PTSD as a sequela of the August 9, 2013 injury. I find the opinions of Dr. Jennisch to carry greater weight than those of Dr. Christiansen. Dr. Jennisch acknowledged the specific criteria required for a diagnosis of PTSD. Further, I find that his report is more consistent with the record as a whole than the report of Dr. Christiansen. For example, Dr. Christiansen stated that Mr. Owens would not be able to perform his pre-injury work. However, the facts of the case demonstrate that Mr. Owens has already performed the same work he did prior to his injury and did so for over two years. I find that claimant experienced sufficient trauma and symptoms that his mental health condition could be characterized as PTSD. However, based on the opinions of Dr. Jennisch, I find that the condition is not permanent and it did not result in any impairment or restrictions.

We now turn to the issue of the extent of the claimant's entitlement to industrial disability.

Mr. Owens returned to work at Sloan on April 20, 2015, when he was released by Dr. Gehrke. (Ex. G, p. 37) He returned to the same full-time job he was performing at the time of the injury, earning the same hourly rate. He continued to work for Sloan until June of 2015 when he voluntarily left his employment. At hearing, Mr. Owens testified that he left Sloan because he wanted an easier job. However, this testimony is not entirely consistent with what he told Dr. Christiansen, the clinical psychologist, he was referred to by his own attorney. He told her, "I quit. I just realized there was [*sic*] better opportunities. I was never offered health insurance. And what they were paying me, compared with what I was offered. I had a better job offer, and it was with the union, so that's why I left." (Cl. Ex. 2, p. 36) I find that Mr. Owens left his employment with Sloan due to a better job opportunity; one that paid better and offered better benefits.

Since leaving Sloan, Mr. Owens became an apprentice in the Plumbers and Steamfitters Local Union 33. Since that time he has worked with three different union employers.

First he worked as a service technician at Winger Mechanical for HVAC and refrigeration. He performed this work for almost two years. According to Mr. Owens, the work at Winger was more mental than physical. He averaged about 50 hours of work per week. This job did require him to climb ladders. Mr. Owens testified that it took him longer to perform this work than it did for the other employees. Unfortunately, Mr. Owens has provided conflicting reasons for why this job ended. In his deposition, he stated that this work ended because he was laid off. (Ex. J, Deposition p. 28) However, Mr. Owens told Dr. Bansal, the IME doctor that his attorney sent him to, that he and Winger reached a mutual agreement to leave the job because he was not able to work quickly enough. (Cl. Ex. 1, p. 17) Mr. Owens told Dr. Jennisch and Dr. Christiansen that he was fired for dropping a piece of metal into a machine that released Freon at a nitrogen plant. (Ex. A, p. 10; Cl. Ex. 2, p. 37)

Next, he worked for Plumb Tech. His job there involved plumbing in new buildings; he worked at Jefferson School. He earned over $20.00 per hour. Mr. Owens testified in his deposition that when the job at the Jefferson School was complete, Plumb Tech wanted him to travel to Pella for the next job. However, Mr. Owens did not want to travel that far on a daily basis. (Ex. J, Depo. p. 29) Mr. Owens testified in his deposition that he would still be capable of performing that job. He gave similar accounts of why this employment ended to the evaluators in this case. (Cl. Ex. 1, p. 17; Ex. A, p. 11) However, at hearing, Mr. Owens testified this job ended due to physical problems from his workers' compensation injury.

Mr. Owens then went to work for Northwest Mechanical performing plumbing and construction work. He was still employed there at the time of the hearing. He is paid $23.00 per hour. In his deposition, Mr. Owens testified that there is no overtime with this job. (Ex. J, Depo. p. 32) He also told Dr. Jennisch that there was no overtime in this job. (Ex. A, p. 11) However, at hearing, Mr. Owens testified that overtime is offered, but he does not work the overtime due to his physical condition.

In addition to working full-time at Northwest Mechanical, Mr. Owens also formed and is the sole owner of Owens & Sons Rental, LLC. He owns and operates seven rental properties. He obtained five of those seven properties in 2017. Mr. Owens is responsible for advertising, obtaining renters, tenant rental agreements, bookkeeping, and handling the income payments. He uses QuickBooks to handle the finances for the rental properties. Mr. Owens takes care of all the maintenance for the seven properties, unless the maintenance is too extensive. For example, he told Dr. Jennisch that siding a house would have required too much time off of work and would not be worth it, so he did not perform that maintenance job. (Ex. A, p. 12; Testimony)

At the time of hearing claimant was in his mid-thirties. There is conflicting evidence about whether Mr. Owens did or did not graduate from high school. Mr. Owens did obtain his welding certificate from Iowa Community College. He also

obtained a construction certification. He also has licenses for plumbing, HVAC, lead safe renovator, and electrician. (Ex. H) Mr. Owens has worked as a martial arts instructor, operating heavy machinery, working as a laborer installing water and sewer mains, welding, building custom fence, refinishing cement floors, construction, and working as an HVAC technician. (Cl. Ex. 4, pp. 51-52, 57)

At the time of the August 9, 2013 work injury Mr. Owens was earning $11.50 per hour. He usually worked 40 hours per week; there was no regular overtime. Since leaving his employment with Sloan, Mr. Owens has been employed full-time earning approximately $20.00 to $23.00 per hour. He has worked full-time without any treating provider restricting his activities from April 20, 2015 to the present. The only restrictions that have been placed on the claimant have come from Dr. Bansal and Dr. Christiansen. The restrictions assigned by these two evaluators are not consistent with claimant's demonstrated abilities since the time of the injury; therefore, these restrictions are not adopted by the undersigned. I find that as a result of the August 9, 2013 work injury, Mr. Owens does not have any permanent restrictions placed on his activities. I further find that Mr. Owens did sustain permanent impairment as a result of the work injury. I find that he sustained 12 percent whole person functional impairment for his right lower extremity and 5 percent whole person functional impairment for his back. Thus, his total functional impairment amounts to 16 percent to his body as a whole.

Mr. Owens has not lost access to a significant portion of his pre-injury employment opportunities. Considering claimant's age, limited educational background, employment history, ability to retrain, motivation to remain in the workforce, length of healing period, permanent impairment, and lack of permanent restrictions, and the other industrial disability factors set forth by the Iowa Supreme Court, I find that Mr. Owens has sustained a 20 percent loss of future earning capacity as a result of his work injury with the defendant employer.

The next issue is claimant's claim for additional medical and mileage expenses. Mr. Owens is seeking the medical expenses set forth in Claimant's Exhibit 6. These expenses include medical mileage. At the time of the hearing, defendants stipulated that they would pay any mileage incurred for causally connected and authorized treatment.

Mr. Owens is seeking reimbursement for mileage that he incurred for appointments to his primary care physician. Additionally, he is seeking his out-of-pocket medication expenses, and payment for the outstanding bills at Plains Area Mental Health. Claimant argues that because defendants have never authorized a physician to continue his pain management and/or PTSD they should be responsible for these expenses under Iowa Code section 85.27. Defendants argue they should not be held responsible for these expenses because claimant failed to establish that his PTSD was work-related. However, I found that claimant did demonstrate by a preponderance of the evidence that his PTSD was related to the work injury. Thus, defendants are responsible for the medical mileage and expenses. The only exception is that defendants are not responsible for the medical expenses and mileage incurred for the EMDR treatments. Mr. Owens testified that those treatments were not beneficial. I find

that this treatment was not authorized and was not successful or beneficial. As such, defendants are not responsible for those expenses.

Because I found that Mr. Owens' PTSD is causally connected to the work injury, defendants are responsible for the reasonable medication expenses incurred due to his PTSD. I find no evidence that the medications Mr. Owens received were not reasonable or necessary. Thus, defendants are responsible for the medications he received for the treatment of his PTSD.

The next issue is whether claimant is entitled to alternate medical care. At the time of the hearing, claimant was receiving several medications from his primary care doctor. Claimant seeks a finding that either Dr. Clemons or another provider authorized by defendants be ordered to continue Mr. Owens' medications. Under Iowa law, defendants are responsible for providing necessary and causally connected medical treatment, including medications. Thus, I find defendants are responsible for selecting the appropriate providers to provide reasonable and necessary treatment for the work-related conditions.

Claimant is seeking $3,679.00 for the IME report of Dr. Bansal under Iowa Code section 85.39. Defendants do not dispute that claimant is entitled to an IME; however, they argue that Dr. Bansal's fee is not reasonable. Claimant argues the fee is reasonable because the case involves voluminous medical records that date back more than four years. Additionally, the case involves more than one body part. I find that in this particular case Dr. Bansal's fee is reasonable. Defendants shall reimburse claimant the full amount of Dr. Bansal's IME.

The final issue for determination is an assessment of costs. Because claimant was generally successful in his claim, I find it is appropriate to assess costs in this case.

Claimant is seeking costs in the amount of $100.00 for the filing fee. I find that this is an appropriate cost under 876 IAC 4.33(7). Defendants are assessed costs of $100.00.

Claimant is also seeking service costs in the amount of $19.41. I find that this is an appropriate cost under 876 IAC 4.33(3). Defendants are assessed costs in the amount of $19.41.

Claimant is also seeking transcription costs for his deposition. However, I find it is not appropriate to recover costs for his own deposition when the transcript was not utilized at hearing. Thus, these costs are not assessed.

Claimant is seeking reimbursement for a medical report from Dr. Christiansen in the amount of $1,000.00. However, these expenses are actually for an IME. A claimant is only entitled to reimbursement for one IME. Thus, defendants are not assessed these costs.

Claimant is also seeking payment for a vocational report. This report was offered by claimant as Exhibit 3 but was not admitted into evidence because the report was not timely. As such, I find it is not appropriate to assess the cost of this report.

Thus, I exercise my discretion and assess defendants costs in the amount of one hundred nineteen and 41/100 dollars ($119.41).

CONCLUSIONS OF LAW

The party who would suffer loss if an issue were not established ordinarily has the burden of proving that issue by a preponderance of the evidence. Iowa Rule of Appellate Procedure 6.14(6)(e).

The claimant has the burden of proving by a preponderance of the evidence that the alleged injury actually occurred and that it both arose out of and in the course of the employment. Quaker Oats Co. v. Ciha, 552 N.W.2d 143 (Iowa 1996); Miedema v. Dial Corp., 551 N.W.2d 309 (Iowa 1996). The words "arising out of" referred to the cause or source of the injury. The words "in the course of" refer to the time, place, and circumstances of the injury. 2800 Corp. v. Fernandez, 528 N.W.2d 124 (Iowa 1995). An injury arises out of the employment when a causal relationship exists between the injury and the employment. Miedema, 551 N.W.2d 309. The injury must be a rational consequence of a hazard connected with the employment and not merely incidental to the employment. Koehler Electric v. Wills, 608 N.W.2d 1 (Iowa 2000); Miedema, 551 N.W.2d 309. An injury occurs "in the course of" employment when it happens within a period of employment at a place where the employee reasonably may be when performing employment duties and while the employee is fulfilling those duties or doing an activity incidental to them. Ciha, 552 N.W.2d 143.

Based on the above findings of fact, I conclude that claimant's PTSD is related to the August 9, 2013 work injury. Based on the opinions of Dr. Jennisch, I conclude that claimant experienced sufficient trauma and symptoms that his mental health condition could be characterized as PTSD. I also conclude that the condition is not permanent and did not result in any impairment or restrictions.

The claimant has the burden of proving by a preponderance of the evidence that the injury is a proximate cause of the disability on which the claim is based. A cause is proximate if it is a substantial factor in bringing about the result; it need not be the only cause. A preponderance of the evidence exists when the causal connection is probable rather than merely possible. George A. Hormel & Co. v. Jordan, 569 N.W.2d 148 (Iowa 1997); Frye v. Smith-Doyle Contractors, 569 N.W.2d 154 (Iowa App. 1997); Sanchez v. Blue Bird Midwest, 554 N.W.2d 283 (Iowa App. 1996).

The question of causal connection is essentially within the domain of expert testimony. The expert medical evidence must be considered with all other evidence introduced bearing on the causal connection between the injury and the disability. Supportive lay testimony may be used to buttress the expert testimony and, therefore, is also relevant and material to the causation question. The weight to be given to an expert opinion is determined by the finder of fact and may be affected by the accuracy

of the facts the expert relied upon as well as other surrounding circumstances. The expert opinion may be accepted or rejected, in whole or in part. St. Luke's Hosp. v. Gray, 604 N.W.2d 646 (Iowa 2000); IBP, Inc. v. Harpole, 621 N.W.2d 410 (Iowa 2001); Dunlavey v. Economy Fire and Cas. Co., 526 N.W.2d 845 (Iowa 1995). Miller v. Lauridsen Foods, Inc., 525 N.W.2d 417 (Iowa 1994). Unrebutted expert medical testimony cannot be summarily rejected. Poula v. Siouxland Wall & Ceiling, Inc., 516 N.W.2d 910 (Iowa App. 1994).

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.

Based on the above findings of fact, I conclude that claimant sustained 20 percent industrial disability. As such, he is entitled to 100 weeks of permanent partial disability benefits. These benefits shall be paid at the stipulated rate of three hundred twenty-eight and 92/100 dollars ($328.92) and commence on the stipulated date of April 20, 2015.

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).

Defendants have admitted responsibility for the right lower extremity and back claims. Based on the above findings of fact, I conclude defendants are also responsible for the claimant's symptoms of PTSD. As such, defendants are responsible for any

future treatment that is reasonable and necessary as a result of the work injury. Defendants have the right to choose the provider of care.

Defendants are also responsible for the past medical treatment and medical mileage as set forth in the above findings of fact.

Section 85.39 permits an employee to be reimbursed for subsequent examination by a physician of the employee's choice where an employer-retained physician has previously evaluated "permanent disability" and the employee believes that the initial evaluation is too low. The section also permits reimbursement for reasonably necessary transportation expenses incurred and for any wage loss occasioned by the employee attending the subsequent examination.

Defendants are responsible only for reasonable fees associated with claimant's independent medical examination. Claimant has the burden of proving the reasonableness of the expenses incurred for the examination. See Schintgen v. Economy Fire & Casualty Co., File No. 855298 (App. April 26, 1991).

Based on the above findings of fact, defendants are responsible for reimbursing claimant the full amount of Dr. Bansal's IME.

Costs are to be assessed at the discretion of the deputy hearing the case. 876 IAC 4.33. I exercise my discretion to assess costs as noted above.

ORDER

THEREFORE, IT IS ORDERED:

All weekly benefits shall be paid at the rate of three hundred twenty-eight and 92/100 dollars ($328.92).

Defendants shall pay one hundred (100) weeks of permanent partial disability benefits commencing on April 20, 2015.

All past due weekly benefits shall be paid in lump sum with applicable interest pursuant to Iowa Code section 85.30.

Defendants shall be entitled to credit for all weekly benefits paid to date.

Defendants shall be responsible for the medical bills and medical mileage as set forth above.

Defendants shall reimburse claimant's IME expense in the amount of three thousand six hundred seventy-nine and no/100 dollars ($3,679.00).

Defendants shall reimburse claimant's costs in the amount of one hundred nineteen and 41/100 dollars ($119.41).

Defendants 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 16th day of February, 2018.

ERIN Q. PALS
DEPUTY WORKERS'
COMPENSATION COMMISSIONER

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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.