

commissioner found claimant is entitled to payment by defendants for the requested past medical expenses itemized in Exhibit 3. The deputy commissioner found claimant is entitled to receive ongoing medical treatment for the work injury. The deputy commissioner ordered defendants to pay claimant's costs of the arbitration proceeding in the amount of \$256.57.

Defendants assert on appeal that the deputy commissioner erred in finding claimant proved he is permanently and totally disabled as a result of the work injury, and in awarding permanent total disability benefits. Defendants assert the deputy commissioner erred in finding claimant is entitled to receive additional intermittent healing period benefits from August 31, 2016, through September 12, 2016, and from November 27, 2017, through January 6, 2019.

Claimant asserts on appeal that the review-reopening 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 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 review-reopening decision filed on June 7, 2019, which relate to the issues properly raised on intra-agency appeal.

I find the deputy commissioner provided a well-reasoned analysis of all of the issues raised in the review-reopening 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 he is permanently and totally disabled under the industrial disability analysis as a result of the work injury, and I affirm the deputy commissioner's finding that claimant is entitled to receive permanent total disability benefits starting on the stipulated commencement date of January 7, 2019. I affirm the deputy commissioner's finding that claimant is entitled to receive additional intermittent healing period benefits from August 31, 2016, through September 12, 2016, and from November 27, 2017, through January 6, 2019. I affirm the deputy commissioner's finding that claimant is entitled to payment by defendants for the requested past medical expenses itemized in Exhibit 3. I affirm the deputy commissioner's finding that claimant is entitled to receive ongoing medical treatment for the work injury. I affirm the deputy commissioner's order that defendants pay claimant's costs of the arbitration proceeding in the amount of \$256.57.

I affirm the deputy commissioner's findings, conclusions and analysis regarding those issues.

ORDER

IT IS THEREFORE ORDERED that the review-reopening decision filed on June 7, 2019, is affirmed in its entirety.

Defendants shall pay claimant additional intermittent healing period benefits at the stipulated weekly rate of three hundred eleven and 92/100 dollars (\$311.92), from August 31, 2016, through September 12, 2016, and from November 27, 2017, through January 6, 2019.

Defendants shall pay claimant permanent total disability benefits at the stipulated weekly rate of three hundred eleven and 92/100 dollars (\$311.92), from the stipulated commencement date of January 7, 2019, and ongoing during the period of the claimant's continued disability.

Defendants shall receive credit for all benefits paid to date.

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 the past requested medical charges itemized in Exhibit 3, and defendants are responsible for all ongoing causally related medical care.

Pursuant to rule 876 IAC 4.33, defendants shall pay claimant's costs of the arbitration proceeding in the amount of two hundred fifty-six and 57/100 dollars (\$256.57), 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 9th day of April, 2020.

Joseph S. Cortese II

JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

The parties have been served as follows:

James M. Ballard	Via WCES
Stephen W. Spencer	Via WCES