BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

TRAVIS BROWNELL,

Claimant,

VS.

DEWEY DODGE,

Employer,

and

ZURICH INSURANCE COMPANY,

Insurance Carrier, Defendants.

File No. 5059689

APPEAL

DECISION

Head Notes: 1108.50; 1402.20; 1402.30;

2907; 5-9998

Claimant Travis Brownell appeals from an arbitration decision filed on January 18, 2019. Defendants Dewey Dodge, employer, and its insurer, Zurich Insurance Company, respond to the appeal. The case was heard on October 1, 2018, and it was considered fully submitted in front of the deputy workers' compensation commissioner on November 5, 2018.

The deputy commissioner found claimant failed to carry his burden of proof to establish he sustained an injury which arose out of and in the course of claimant's employment with defendant-employer on September 20, 2016, as alleged. The deputy commissioner found all other issues raised in this matter are moot. The deputy commissioner found claimant is entitled to receive nothing in this matter. The deputy commissioner ordered the parties to pay their own costs of the arbitration proceeding.

Claimant asserts on appeal that the deputy commissioner erred in finding claimant failed to prove he sustained a work-related injury as alleged. Claimant asserts the deputy commissioner erred in failing to award claimant substantial industrial disability for the alleged injury. Claimant asserts the deputy commissioner erred in finding all other issues raised in this matter are moot. Claimant asserts the deputy commissioner erred in failing to tax defendants with claimant's requested costs of the arbitration proceeding.

Defendants assert on appeal that the arbitration decision should be affirmed in its entirety.

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 January 18, 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 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 failed to prove he sustained a work-related injury as alleged. I affirm the deputy commissioner's finding that all other issues raised in this matter are moot. I affirm the deputy commissioner's finding that claimant is entitled to receive nothing in this matter. I affirm the deputy commissioner's order that the parties pay their own costs of the arbitration proceeding.

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

ORDER

IT IS THEREFORE ORDERED that the arbitration decision filed on January 18, 2019, is affirmed in its entirety.

Claimant shall take nothing from these proceedings.

Pursuant to rule 876 IAC 4.33, the parties shall pay their own costs of the arbitration proceeding, and claimant shall pay the costs of the appeal, including the cost of the hearing transcript.

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

Signed and filed on this 18th day of February, 2020.

Joseph S. Cortise II
WORKERS' COMPENSATION
COMMISSIONER

The parties have been served as follows:

Nathaniel R. Boulton

Via WCES

Timothy W. Wegman

Via WCES