

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

JESSICA HEYER,

Claimant,

vs.

IOWA STATE UNIVERSITY,

Employer,

STATE OF IOWA,

Insurance Carrier,
Defendants.

FILED
JUN 18 2019
WORKERS' COMPENSATION

File No. 5058992

A P P E A L

D E C I S I O N

Headnotes: 1108, 1108.50, 1700, 1803,
1803.1, 2500, 2700

Claimant Jessica Heyer appeals from an arbitration decision filed on February 8, 2019. Defendants, Iowa State University, employer, and its insurer, State of Iowa, respond to the appeal. The case was heard on December 4, 2018, and it was considered fully submitted in front of the deputy workers' compensation commissioner on January 4, 2019.

The deputy commissioner found claimant failed to carry her burden of proof that she sustained an injury to her right hip in addition to the stipulated injuries to her right wrist, her right knee and her right ankle which arose out of and in the course of her employment with defendant-employer on January 14, 2016. The deputy commissioner found claimant is entitled to receive healing period benefits from January 15, 2016, through April 13, 2017, for the work injuries to her right wrist, her right knee and her right ankle. Because the deputy commissioner found claimant's alleged right hip condition is not causally related to claimant's employment, the deputy commissioner found claimant is not entitled to receive a running award of healing period benefits for that condition as alleged. The deputy commissioner found claimant sustained scheduled member functional disability of 27 percent of her right lower extremity combined for the injuries to her right knee, her right ankle and her right wrist, which entitles claimant to receive 59.4 weeks of permanent partial disability (PPD) benefits, commencing on April 14, 2017. The deputy commissioner found claimant is not entitled to payment by defendants for the past requested medical expenses for claimant's right hip itemized in Exhibits 4 and 5. The deputy commissioner found claimant is not entitled to receive alternate medical care for her alleged right hip condition. 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 she sustained an injury to her right hip as a result of the January 14, 2016, work injury. Claimant asserts the deputy commissioner erred in finding claimant is not entitled to receive a running award of healing period benefits for her alleged right hip injury. Claimant asserts the deputy commissioner erred in finding claimant is not entitled to payment by defendants for the past requested medical expenses for claimant's right hip itemized in Exhibits 4 and 5. Claimant asserts the deputy commissioner erred in finding claimant is not entitled to receive alternate medical care for her alleged right hip condition. Claimant asserts the deputy commissioner erred in failing to order defendants to pay claimant's costs of the arbitration proceeding.

Defendants assert 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 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 February 8, 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 failed to carry her burden of proof that she sustained an injury to her right hip as a result of the January 14, 2016, work injury. I affirm the deputy commissioner's finding that claimant is not entitled to receive a running award of healing period benefits for her alleged right hip injury. I affirm the deputy commissioner's finding that claimant is entitled to receive healing period benefits for the work injuries to her right wrist, her right knee and her right ankle from January 15, 2016, through April 13, 2017. I affirm the deputy commissioner's finding that claimant sustained scheduled member functional disability of 27 percent of her right lower extremity combined for the injuries to her right wrist, her right knee and her right ankle resulting from the January 14, 2016, work injury. I affirm the deputy commissioner's finding that claimant is not entitled to payment by defendants for the past requested medical expenses for claimant's right hip itemized in Exhibits 4 and 5. I affirm the deputy commissioner's finding that claimant is not entitled to receive alternate medical care for her alleged right hip condition. 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 all of the above issues.

ORDER

IT IS THEREFORE ORDERED that the arbitration decision filed on February 8, 2019, is affirmed in its entirety.

Claimant shall take nothing as it relates to her alleged right hip injury.

Defendants shall pay claimant healing period benefits from January 15, 2016, through April 13, 2017, at the weekly rate of four hundred thirty-seven and 24/100 dollars (\$437.24) for the work injuries to her right wrist, her right knee and her right ankle.

Defendants shall pay claimant fifty-nine point four (59.4) weeks of permanent partial disability benefits at the weekly rate of four hundred thirty-seven and 24/100 dollars (\$437.24) commencing on April 14, 2017, for the work injuries to her right wrist, her right knee and her right ankle.

Defendants shall receive a credit against the award for all benefits previously paid.

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).

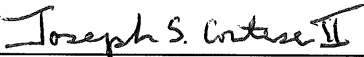
Claimant is not entitled to payment/reimbursement of the medical expenses itemized in Exhibits 4 and 5.

Claimant is not entitled to receive alternate medical care for her alleged right hip condition.

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), defendants shall file subsequent reports of injury as required by this agency.

Signed and filed on this 18th day of June, 2019.



JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

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