

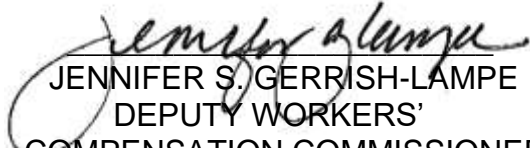
determining the cause and extent of the employee's injuries." Id. "[W]hen relying on medical evidence, the commissioner may use the Guides for determining the disability of a scheduled member." Id. (citing rule 876 IAC 2.4, which allows use of the Guides to determine "[t]he extent of loss or percentage of permanent impairment").

The arbitration ruling, adopted as final agency action in this regard, cites the proper legal standard, specifically stating that the "loss of use of a particular scheduled member may entail more than a medical rating pursuant to standardized guides for evaluating permanent impairment. The ruling also acknowledges that a claimant's testimony and demonstration of difficulties may be considered in determining the actual loss of use." Horn v. Cummins Filtration-Lake Mills, 841 N.W.2d 356 (Iowa Ct. App. 2013).

Based on the foregoing, defendants' motion for rehearing is denied. However, the scrivener's error on page 16 shall be corrected to state "Dr. Gibbons assigned a 9 percent impairment rating to the right lower extremity."

THEREFORE IT IS ORDERED defendants' motion for rehearing is denied. The scrivener's error on page 16 shall be corrected to state "Dr. Gibbons assigned a 9 percent impairment rating to the right lower extremity."

Signed and filed this 28th day of February, 2020.


JENNIFER S. GERRISH-LAMPE
DEPUTY WORKERS'
COMPENSATION COMMISSIONER

The parties have been served, as follows:

Jenna Green (via WCES)

Cory Abbas (via WCES)