

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

DARWIN FRAUENHOLTZ,

Claimant,

vs.

UNIVERSITY OF IOWA,

Employer,

STATE OF IOWA,

Insurance Carrier,  
Defendants.

File No. 5054112

A P P E A L

D E C I S I O N

Head Note No: 1402.30

Claimant Darwin Frauenholtz appeals from an arbitration decision filed on December 14, 2017, and from a ruling on application for rehearing filed on January 19, 2018. Defendants University of Iowa, employer, and State of Iowa, insurance carrier, respond to the appeal. The case was heard on July 18, 2017, and it was considered fully submitted in front of the deputy workers' compensation commissioner on September 19, 2017.

The deputy commissioner found claimant failed to carry his burden of proof that his right shoulder condition, allegedly sustained on or about August 7, 2013, was either caused by, or was materially aggravated by, claimant's employment with defendant-employer. Because the deputy commissioner found claimant did not prove his right shoulder condition was causally related to his employment, the deputy commissioner found all other issues raised in this matter are moot, including (1) whether claimant is entitled to receive temporary disability benefits, (2) whether claimant is entitled to receive permanent disability benefits, (3) whether defendants are entitled to receive a credit against any award under Iowa Code section 85.38(2), and (4) whether claimant is entitled to receive reimbursement from defendants for requested past medical expenses. 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 his right shoulder condition was causally related to his employment. Claimant asserts the deputy commissioner erred in finding all other issues raised in this matter are moot.

Defendants assert on appeal that the arbitration decision and the ruling on rehearing should be affirmed in their 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 December 14, 2017, and the ruling on rehearing filed on January 19, 2018, 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 carry his burden of proof that his right shoulder condition was either caused by, or was materially aggravated by his employment with defendant-employer. I affirm the deputy commissioner's finding that all other issues raised in this matter are moot. 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 December 14, 2017, and the ruling on application for rehearing filed on January 19, 2018, are affirmed in their 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), defendants shall file subsequent reports of injury as required by this agency.

Signed and filed on this 30<sup>th</sup> day of July, 2019.

*Joseph S. Cortese II*

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JOSEPH S. CORTESE II  
WORKERS' COMPENSATION  
COMMISSIONER

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