

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

JAMIE THROCKMORTON,

Claimant,

vs.

SEABOARD FOODS OF IOWA, LLC,

Employer,

and

INDEMNITY INS. CO. OF N. AMERICA,

Defendants.

File No. 21001872.01

A P P E A L

D E C I S I O N

Head Notes: 1402.40; 1403.10; 1801,
1803; 2501; 2502; 2907;
5-9998

Claimant Jamie Throckmorton appeals from an arbitration decision filed on February 21, 2022. Defendants Seaboard Foods of Iowa, LLC, employer, and its insurer, Indemnity Insurance Company of North America, respond to the appeal. The case was heard on September 27, 2021, and it was considered fully submitted in front of the deputy workers' compensation commissioner on October 29, 2021.

In the arbitration decision, the deputy commissioner found claimant failed to meet his burden of proof to establish he sustained permanent disability as a result of the stipulated October 10, 2019, work injury. The deputy commissioner found the surgery performed by Chad Abernathy, M.D., on June 8, 2020, was not related to the work injury. The deputy commissioner found claimant was not entitled to reimbursement from defendants for the medical charges itemized in Exhibit 1. The deputy commissioner found claimant is entitled to reimbursement from defendants for the cost of the independent medical examination (IME) of claimant performed by Mark Taylor, M.D. The deputy commissioner ordered the parties to pay their own costs of the arbitration proceeding.

Claimant asserts the deputy commissioner erred in finding claimant failed to prove he sustained permanent disability as a result of the work injury. Claimant asserts the deputy commissioner erred in finding the surgery performed by Dr. Abernathy was not related to the work injury. Claimant asserts the deputy commissioner erred in finding claimant is not entitled to reimbursement from defendants for the medical charges itemized in Exhibit 1. Claimant asserts the deputy commissioner erred in ordering the parties to pay their own costs of the arbitration proceeding.

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

Those portions of the proposed arbitration decision pertaining to issues not raised on appeal are adopted as 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 21, 2022, 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 prove he sustained permanent disability as a result of the work injury. I affirm the deputy commissioner's finding that the surgery performed by Dr. Abernathy was not related to the work injury. I affirm the deputy commissioner's finding that claimant is not entitled to reimbursement from defendants for the medical charges itemized in Exhibit 1. I affirm the deputy commissioner's finding claimant is entitled to reimbursement from defendants for the cost of Dr. Taylor's IME. 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 the above-stated issues.

ORDER

IT IS THEREFORE ORDERED that the arbitration decision filed on February 21, 2022, is affirmed in its entirety.

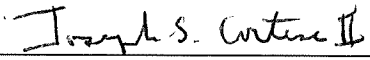
Claimant shall take nothing from these proceedings.

Defendants shall reimburse claimant three thousand fifty-five and 55/100 dollars (\$3,055.55) for the cost of Dr. Taylor's IME.

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 29th day of June, 2022.



JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

The parties have been served as follows:

Brian Keit (via WCES)

Timothy Clausen (via WCES)