

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

JOEL ROGERS,

Claimant,

vs.

THE WALDINGER CORPORATION,

Employer,

and

LIBERTY INSURANCE CORP.,

Insurance Carrier,
Defendants.

File No. 5059762

A P P E A L

D E C I S I O N

Head Notes: 1108.50; 1402.40; 1803; 2907;
5-9998

Claimant Joel Rogers appeals from an arbitration decision filed on February 18, 2020. Defendants The Waldinger Corporation, employer, and its insurer, Liberty Insurance Corporation, respond to the appeal. The case was heard on November 5, 2019, and it was considered fully submitted in front of the deputy workers' compensation commissioner on December 6, 2019.

The deputy commissioner found claimant failed to carry his burden of proof to establish his stipulated December 31, 2014, work-related injury resulted in permanent disability. The deputy commissioner found claimant is not entitled to receive permanent disability benefits for the work injury. 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 permanent disability as a result of the work injury. Claimant asserts it should be found on appeal that he is entitled to receive industrial disability benefits.

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 18, 2020, 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 permanent disability as a result of the December 31, 2014, work injury. I affirm the deputy commissioner's finding that claimant is not entitled to receive permanent disability benefits for the work injury. 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

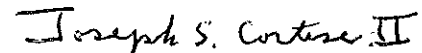
IT IS THEREFORE ORDERED that the arbitration decision filed on February 18, 2020, is affirmed in its entirety.

Claimant shall take nothing from these proceedings.

Pursuant to rule 876 IAC 4.33, each party 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 9th day of October, 2020.



JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

The parties have been served as follows:

Ryan Beattie (via WCES)

Anita Dhar Miller (via WCES)