

## BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

GEORGANNA DERRICKSON,

Claimant,

vs.

SECURITAS SECURITY SERVICES  
USA, INC.,

Employer,

and

INDEMNITY INSURANCE CO. OF  
NORTH AMERICA,Insurance Carrier,  
Defendants.

File No. 1646401.01

A P P E A L  
D E C I S I O NHead Notes: 1402.40; 1803; 1803.1; 2907;  
4000.02; 5-9998

Claimant Georganna Derrickson appeals from an arbitration decision filed on August 5, 2021. Defendants Securitas Security Services USA, Inc., employer, and its insurer, Indemnity Insurance Co. of North America, respond to the appeal. The case was heard on May 7, 2021, and it was considered fully submitted in front of the deputy workers' compensation commissioner on May 28, 2021.

In the arbitration decision, the deputy commissioner found claimant sustained five percent permanent functional disability of her left arm as a result of the stipulated January 21, 2018, work injury, which entitles claimant to receive 12.5 weeks of permanent partial disability benefits commencing on April 19, 2018. The deputy commissioner found claimant failed to prove her permanent disability resulting from the work injury extends beyond claimant's left arm into her shoulder. The deputy commissioner found claimant failed to prove she is entitled to receive penalty benefits from defendants for an unreasonable failure by defendants to pay permanent disability benefits. The deputy commissioner ordered defendants to pay claimant's costs of the arbitration proceeding in the amount of \$1,642.60.

Claimant asserts on appeal that the deputy commissioner erred in finding claimant's permanent disability resulting from the work injury does not extend beyond her left arm into her left shoulder, and in finding claimant is not entitled to receive

permanent disability benefits based on a shoulder injury. Claimant asserts the deputy commissioner erred in finding claimant is not entitled to receive penalty benefits.

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 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 August 5, 2021, 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 sustained five percent permanent functional disability of her left arm as a result of the work injury. I affirm the deputy commissioner's finding that claimant's permanent disability resulting from the work injury does not extend beyond claimant's left arm into her left shoulder, and I affirm the deputy commissioner's finding that claimant is not entitled to receive permanent disability benefits based on a shoulder injury. I affirm the deputy commissioner's finding that claimant is not entitled to receive penalty benefits. I affirm the deputy commissioner's order that defendants pay claimant's costs of the arbitration proceeding in the amount of \$1,642.60.

I affirm the deputy commissioner's findings, conclusions and analysis regarding those issues.

#### ORDER

IT IS THEREFORE ORDERED that the arbitration decision filed on August 5, 2021, is affirmed in its entirety.

Defendants shall pay claimant twelve and one-half (12.5) weeks of permanent partial disability benefits at the weekly rate of four hundred thirty-six and 61/100 dollars (\$436.61) commencing on April 19, 2018.

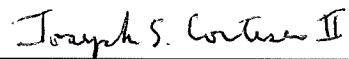
Defendants shall receive credit for all benefits previously paid.

Defendants shall pay accrued weekly benefits in a lump sum together with interest 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).

Pursuant to rule 876 IAC 4.33, defendants shall pay claimant's costs of the arbitration proceeding in the amount of one thousand six hundred forty-two and 60/100 dollars (\$1,642.60), 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 26<sup>th</sup> day of October, 2021.



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JOSEPH S. CORTESE II  
WORKERS' COMPENSATION  
COMMISSIONER

The parties have been served as follows:

Joseph Powell (via WCES)

Caroline Westerhold (via WCES)