

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

JIMMY COCHRAN,

Claimant,

vs.

QUEST LINER, INC.,

Employer,

and

STANDARD FIRE INSURANCE CO.,

Insurance Carrier,
Defendants.

File No. 5065497

A P P E A L

D E C I S I O N

Head Note Nos: 1402.40; 1802; 2907;
4000.2; 5-9998

Claimant Jimmy Cochran appeals from an arbitration decision filed on September 24, 2018. Defendants Quest Liner, Inc., employer, and its insurer, Standard Fire Insurance Company, respond to the appeal. This case was heard on July 31, 2018, and it was considered fully submitted in front of the deputy workers' compensation commissioner on August 15, 2018.

The deputy commissioner found claimant is entitled to receive a running award of healing period benefits commencing May 17, 2018, through the date of arbitration hearing and continuing, for the stipulated work injury which arose out of and in the course of claimant's employment with defendant-employer on February 3, 2017. The deputy commissioner found claimant is not entitled to receive penalty benefits from defendants for an alleged unreasonable failure to pay weekly benefits from May 17, 2018, through the date of the arbitration hearing. The deputy commissioner ordered defendants to pay claimant's costs of the arbitration proceeding in the amount of \$100.00.

Claimant asserts on appeal that the deputy commissioner erred in finding claimant is not entitled to receive penalty benefits. Claimant asserts the deputy commissioner erred in finding it was reasonably debatable whether claimant was entitled to receive weekly benefits from May 17, 2018, through the date of the arbitration hearing.

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 September 24, 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 is entitled to receive a running award of healing period benefits commencing on May 17, 2018, through the date of the arbitration hearing and continuing, for the February 3, 2017, work injury. I affirm the deputy commissioner's finding that claimant is not entitled to receive penalty benefits from defendants because I affirm the deputy commissioner's finding that it was reasonably debatable whether claimant was entitled to receive weekly benefits from May 17, 2018, through the date of the arbitration hearing. I affirm the deputy commissioner's order that defendants pay claimant's costs of the arbitration proceeding in the amount of \$100.00.

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

ORDER

IT IS THEREFORE ORDERED that the arbitration decision filed on September 24, 2018, is affirmed in its entirety.

Defendants shall pay claimant healing period benefits at the stipulated weekly rate of nine hundred twenty and 32/100 dollars (\$920.32), commencing on May 17, 2018, through the date of the arbitration hearing and continuing until such time as the first qualifying factor outlined in Iowa Code section 85.33 or Iowa Code section 85.34 shall be achieved.

Defendants shall receive a credit for all benefits paid to date.

Defendants shall pay accrued weekly benefits in a lump sum together with interest at the rate of ten percent for all weekly benefits payable and not paid when due which accrued before July 1, 2017, and all interest on past due weekly compensation benefits accruing on or after July 1, 2017, shall be payable 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 hundred and no/100 dollars (\$100.00), 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 7th day of January, 2020.



JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

The parties have been served as follows:

Andrew M. Giller Via WCES

Gary B. Nelson Via WCES

Edward J. Rose Via WCES