

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

JONATHAN NORWOOD,

Claimant,

vs.

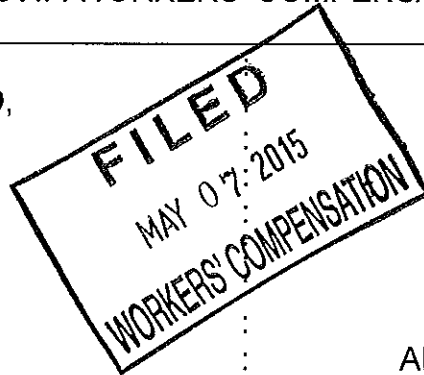
G & H FREIGHT LINES,

Employer,

and

GREAT WEST CASUALTY COMPANY.,

Insurance Carrier,
Defendants.



File No. 5052291

ALTERNATE MEDICAL

CARE DECISION

HEAD NOTE NO: 2701

STATEMENT OF THE CASE

This is a contested case proceeding under Iowa Code chapters 85 and 17A. The expedited procedure of rule 876 IAC 4.48 is invoked by claimant, Jonathan Norwood.

The alternate medical care claim came on for hearing on May 7, 2015. The proceedings were digitally recorded, which constitutes the official record of this proceeding. This ruling is designated final agency action, and any appeal of the decision would be to the Iowa District Court pursuant to Iowa Code 17A.

The record consists of claimant's exhibits 1 – 3 and defendants' exhibits A – D.

ISSUE

The issue presented for resolution is whether the claimant is entitled to alternate medical care consisting of advance payment of meal expenses for claimant's two-week stay in Iowa City while he attends the University of Iowa Hospitals and Clinics Spine Rehabilitation Program beginning May, 11, 2015.

At the time the alternate medical care petition was filed there was a dispute as to whether the defendants would authorize the claimant attending the Spine Rehabilitation Program. Defendants have agreed that claimant may attend this program and have agreed to provide motel/hotel accommodations for the two weeks of the program for the claimant only. The only issue left to resolve is payment of meal expenses

FINDINGS OF FACT

The undersigned having considered all of the testimony and evidence in the record finds:

Defendants admitted liability for an injury occurring on June 28, 2014.

Claimant will be attending the Spine Rehabilitation Program in Iowa City starting May 11, 2015 starting at 7:30 a.m. Claimant lives about 170 miles away from Iowa City. He intends to arrive on Sunday night, May 10, 2015. Defendants have no objection to claimant arriving Sunday. Defendants have offered to reimburse claimant for his meals after he turns in his receipts.

The claimant intends to stay at a motel for the two-week period of the program. Claimant testified that his current income is about \$750.00 per week and that his reduction in his income has been significantly reduced post-injury. He testified he lives paycheck to paycheck.

Bases upon claimant's testimony I find that it would be a hardship for him to wait for reimbursement from the defendants under his present circumstances.

Claimant's attorney proposed that claimant be provided a \$40.00 per day per diem. While not proposing a per diem, defendants suggested that \$20.00 per day would be reasonable, especially if his motel offers breakfast.

REASONING AND CONCLUSIONS OF LAW

The employer shall furnish reasonable surgical, medical, dental, osteopathic, chiropractic, podiatric, physical rehabilitation, nursing, ambulance and hospital services and supplies for all conditions compensable under the workers' compensation law. The employer shall also allow reasonable and necessary transportation expenses incurred for those services. The employer has the right to choose the provider of care, except where the employer has denied liability for the injury. Section 85.27. Holbert v. Townsend Engineering Co., Thirty-second Biennial Report of the Industrial Commissioner 78 (Review-reopen October 16, 1975).

Reasonable care includes care necessary to diagnose the condition, and defendants are not entitled to interfere with the medical judgment of its own treating physician. Pote v. Mickow Corp., File No. 694639 (review-reopening decision June 17, 1986).

Rule 876 IAC 8.1 governs the payment of transportation expenses for examinations and treatment under Iowa Code sections 85.27 and 85.39. Transportation expenses include meals and lodging. Rule 876 IAC 8.1(3).

I find that defendants shall immediately make available to claimant a meal per diem of \$30.00 per day for the claimant's two-week stay in Iowa City.

Claimant shall keep receipts of all meals and provide the receipts to the defendants for all meals, except for free breakfast at his motel.


If the meal receipts are greater than the per diem, the defendants shall reimburse the claimant the difference. If the meal expenses are less than the per diem, the defendants may recover the overpayment for the claimant's medical mileage expenses.

ORDER

Therefore it is ordered:

The claimant's petition for alternate medical care is granted.

Signed and filed this 7th day of May, 2015.



JAMES F. ELLIOTT
DEPUTY WORKERS'
COMPENSATION COMMISSIONER

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