

## BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

CLARA NASH,

Claimant,

vs.

GENUINE PARTS COMPANY,

Employer,

and

SAFETY NATIONAL CASUALTY CORP., :

Insurance Carrier,  
Defendants.

File No. 20700884.01

A P P E A L

D E C I S I O N

: Head Notes: 1402.20; 1402.30; 1402.40;  
: 1402.60; 1801; 1803; 2501;  
: 2502; 2907; 5-9998

Claimant Clara Nash appeals from an arbitration decision filed on August 4, 2022. Defendants Genuine Parts Company, employer, and its insurer, Safety National Casualty Corporation, respond to the appeal. The case was heard on February 2, 2022, and it was considered fully submitted in front of the deputy workers' compensation commissioner on April 15, 2022.

In the arbitration decision, the deputy commissioner found claimant failed to meet her burden of proof to establish she sustained a work-related injury on April 4, 2019, as alleged. The deputy commissioner found that pursuant to Iowa Code section 85.39, claimant is not entitled to reimbursement for the cost of the independent medical examination (IME) of claimant conducted by Mark Taylor, M.D. because claimant failed to prove the alleged work injury is compensable. 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 she sustained a work-related injury on April 4, 2019, as alleged. Claimant asserts the deputy commissioner erred in finding claimant is not entitled to temporary benefits from March 16, 2019, through September 28, 2021. Claimant asserts the deputy commissioner erred in failing to find claimant sustained four percent functional loss of her body as a whole as a result of the work injury, which would entitle claimant to receive 20 weeks of permanent partial disability benefits. Claimant asserts the deputy commissioner erred in finding defendants are not responsible for the

requested past medical expenses set forth in Exhibit 3. Claimant asserts the deputy commissioner erred in finding claimant is not entitled to reimbursement for the cost of Dr. Taylor's IME because claimant asserts the deputy commissioner erred in finding claimant failed to prove she sustained a compensable work injury. Claimant asserts the deputy commissioner erred in finding claimant is not entitled to recover costs from defendants.

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 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.15 and 86.24, I affirm and adopt as the final agency decision those portions of the proposed arbitration decision filed on August 4, 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 she sustained a work-related injury as alleged. I affirm the deputy commissioner's finding that claimant failed to prove she is entitled to receive temporary disability benefits and permanent disability benefits in this matter. I affirm the deputy commissioner's finding that defendants are not responsible for the requested past medical expenses set forth in Exhibit 3. I affirm the deputy commissioner's finding that pursuant to Iowa Code section 85.39, claimant is not entitled to reimbursement from defendants for the cost of Dr. Taylor's IME because claimant failed to prove the alleged work injury is compensable. I affirm the deputy commissioner's order that the parties pay their own costs of the arbitration proceeding.

I affirm the deputy commissioner's finding, conclusions, and analysis regarding the above-stated issues.

#### ORDER

IT IS THEREFORE ORDERED that the arbitration decision filed on August 4, 2022, is affirmed in its entirety.

Claimant shall take nothing from these proceedings.

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 7<sup>th</sup> day of February, 2023.

Handwritten signature of Joseph S. Cortese II in cursive script.

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JOSEPH S. CORTESE II  
WORKERS' COMPENSATION  
COMMISSIONER

The parties have been served as follows:

Nicholas Adkins (via WCES)

Aaron Oliver (via WCES)