

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

FILED

JUN 7 2018

WORKERS' COMPENSATION

GEORGE HEISS,

Claimant,

vs.

GENUINE PARTS COMPANY,

Employer,

and

SAFETY NATIONAL CASUALTY CO.

Insurance Carrier,
Defendants.

File No. 5054997

A P P E A L

D E C I S I O N

Head Note Nos: 1803; 2501; 2700; 4000.2
5-9998

Defendants Genuine Parts Company, employer, and its insurer, Safety National Casualty Co., appeal from an arbitration decision filed on March 24, 2017. Claimant George Heiss responds to the appeal. The case was heard on March 7, 2017, and it was considered fully submitted in front of the deputy workers' compensation commissioner at the conclusion of the hearing.

The deputy commissioner found claimant sustained 40 percent industrial disability as a result of the stipulated injury which arose out of and in the course of claimant's employment with defendant-employer on August 11, 2015, which entitles claimant to receive 200 weeks of permanent partial disability (PPD) benefits, commencing on June 16, 2016. The deputy commissioner found claimant is entitled to receive penalty benefits in the amount of \$836.00 for an unreasonable delay by defendants in paying healing period benefits and an additional penalty in the amount of \$685.92 for an unreasonable delay by defendants in paying temporary partial disability (TPD) benefits. The deputy commissioner found claimant is entitled to payment by defendants for past medical expenses itemized in Exhibit 6. The deputy commissioner found claimant is entitled to ongoing medical treatment by Irving Wolfe, D.O. The deputy commissioner ordered defendants to pay claimant's costs of the arbitration proceeding in the amount of \$197.45.

Defendants assert on appeal that the deputy commissioner erred in finding claimant sustained 40 percent industrial disability as a result of the work injury. Defendants assert the award for industrial disability should be reduced substantially.

Claimant asserts 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.

Having performed a de novo review of the evidentiary record and the detailed arguments of the parties, 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 March 24, 2017, which relate to the issues properly raised on intra-agency appeal.

I find the deputy commissioner provided sufficient analysis 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 40 percent industrial disability as a result of the work injury. I affirm the deputy commissioner's finding that claimant is entitled to receive penalty benefits in the amount of \$836.00 for an unreasonable delay by defendants in paying healing period benefits and an additional penalty in the amount of \$685.92 for an unreasonable delay by defendants in paying TPD benefits. I affirm the deputy commissioner's finding that claimant is entitled to payment by defendants for the past medical expenses itemized in Exhibit 6. I affirm the deputy commissioner's finding that claimant is entitled to ongoing medical treatment by Dr. Wolfe. I affirm the deputy commissioner's order that defendants pay claimant's costs of the arbitration proceeding in the amount of \$197.45. I affirm the deputy commissioner's findings, conclusions and analysis regarding those issues.

ORDER

IT IS THEREFORE ORDERED that the arbitration decision filed on March 24, 2017, is affirmed in its entirety.

Defendants shall pay claimant two hundred (200) weeks of permanent partial disability benefits at the stipulated weekly rate of two hundred three and 85/100 dollars (\$203.85) from the stipulated date of June 16, 2016.

Defendants shall be entitled to credit for all weekly 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).

Defendants shall pay claimant penalty benefits in the amount of eight hundred thirty-six and no/100 dollars (\$836.00) for an unreasonable delay in paying healing period benefits and defendants shall pay claimant an additional penalty in the amount of six hundred eighty-five and 92/100 dollars (\$685.92) for an unreasonable delay in paying temporary partial disability benefits.


Defendants shall pay the medical expenses itemized in Exhibit 6. Defendants shall reimburse Medicare in the amount of two hundred one and 20/100 dollars (\$201.20) and defendants shall hold claimant harmless from the charges by Mercy Clinics and Physicians set forth in Exhibit 6, page 3.

Defendants shall provide claimant with continued medical treatment for his headache condition by Irving Wolfe, D.O., including prescribed medications and injections, for so long as Dr. Wolfe deems necessary.

Pursuant to rule 876 IAC 4.33, defendants shall pay claimant's costs of the arbitration proceeding in the amount \$197.45, and defendants 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 June, 2018.



JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

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