

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

CAROL RAMSEY,

Claimant,

vs.

HY-VEE,

Employer,

and

EMCASCO INSURANCE CO.,

Insurance Carrier,
Defendants.

File No. 1665917.01

ARBITRATION DECISION

Headnote: 1803

STATEMENT OF THE CASE

Claimant Carol Ramsey seeks workers' compensation benefits from the defendants, employer Hy-Vee, Inc. and insurance carrier EMCASCO Insurance Co. (EMCASCO). The undersigned presided over an arbitration hearing on September 30, 2021, held by internet-based video under order of the Commissioner. Ramsey participated personally and through attorney Gary B. Nelson. Cindi Cupp served as the legal representative of Hy-Vee. The defendants both participated by and through attorney M. Anne McAtee.

ISSUES

Under rule 876 IAC 4.149(3)(f), the parties jointly submitted a hearing report defining the claims, defenses, and issues submitted to the presiding deputy commissioner. The hearing report was approved and entered into the record via an order because it is a correct representation of the disputed issues and stipulations in this case. The parties identified the following disputed issues in the hearing report:

- 1) What is the nature and extent of permanent disability, if any, caused by the alleged injury?
- 2) Is Ramsey entitled to taxation of the costs against the defendants?

STIPULATIONS

In the hearing report, the parties entered into the following stipulations:

- 1) An employer-employee relationship existed between Ramsey and Hy-Vee at the time of the alleged injury.
- 2) Ramsey sustained an injury on June 12, 2019, which arose out of and in the course of her employment with Hy-Vee.
- 3) The alleged injury is a cause of temporary disability during a period of recovery, but Ramsey's entitlement to temporary or healing period benefits is no longer in dispute.
- 4) The alleged injury is a cause of permanent disability.
- 5) The commencement date for permanent partial disability (PPD) benefits, if any are awarded, is February 19, 2020.
- 6) At the time of the stipulated injury:
 - a) Ramsey's gross earnings were \$264.62 per week.
 - b) Ramsey was married.
 - c) Ramsey was entitled to two exemptions.
- 7) Prior to hearing, the defendants paid to Ramsey 34 weeks of compensation at the rate of \$223.54 per week.

The parties' stipulations in the hearing report are accepted and incorporated into this arbitration decision. The parties are bound by their stipulations. This decision contains no discussion of any factual or legal issues relative to the parties' stipulations except as necessary for clarity with respect to disputed factual and legal issues.

FINDINGS OF FACT

The evidentiary record in this case consists of the following:

- Joint Exhibits (Jt. Ex.) 1 through 8;
- Claimant's Exhibits (Cl. Ex.) 1 through 6;
- Defendants' Exhibits (Def. Ex.) A through E; and
- Hearing testimony by Ramsey and Cupp.

After careful consideration of the evidence and the parties' post-hearing briefs, the undersigned enters the following findings of fact.

Ramsey was born on May 24, 1955. She dropped out of high school to care for her siblings. Ramsey obtained her GED in 1974. Her only other training was to be a dealer at a casino. (Testimony)

Ramsey worked at a restaurant called Italian Village, waiting and bussing tables and washing dishes. Ramsey then worked at Oscar Mayer for 28 years. Her job was grinding meat in the grind room. Her last hourly wage was \$15.74. Ramsey's job duties included shoveling meat after machines ground up the meat, to place into vats. Ramsey retired from Oscar Mayer in 2011, with the intent to retire from the company and continue working at least part time, doing less strenuous work with fewer hours. (Testimony)

After retiring from Oscar Mayer, Ramsey got a job at a casino. She received about \$18.00 per hour in that position. But the hours were more than she wanted to work, so she quit. (Testimony)

Ramsey went to work at St. Ambrose University, in the deli and doing housekeeping. She made \$10.50 per hour. Ramsey left St. Ambrose to care for her grandchildren. She does not believe she could do the job today because of the lifting required as part of its duties. (Testimony)

Ramsey next got a job at Hy-Vee in March of 2018. She was a part-time employee. Ramsey worked about 23 hours per week in the deli, cutting meat. (Testimony)

Ramsey gave Hy-Vee notice of her intent to quit in May of 2018. She wanted to find a less strenuous job that paid more and allowed her to spend the summer with her grandchildren. A manager at Hy-Vee telephoned Ramsey because multiple employees had quit. She asked Ramsey to return to Hy-Vee for a couple of days per week. Ramsey agreed and returned to work in the deli. (Testimony)

On June 12, 2019, Ramsey's hourly wage was \$9.75 per hour. She and her coworkers had made cups of egg and tuna salad, but they did not have enough lids. Hy-Vee stored the lids on a shelf. Ramsey climbed a ladder to get more lids, which were underneath a heavier box. When Ramsey lifted the heavy box, she fell backwards off the ladder. The right side of Ramsey's body struck the tile floor. (Testimony)

Due to the impact of hitting the tile floor, Ramsey broke her right wrist and three ribs on her right side, roughly in the middle of her torso, between her shoulder and hip. Ramsey saw Afzal Abdullah, M.D., who informed her that her "back pain is most likely related to [her] unstable rib fractures" and recommended surgery to place plates on her ribs to help them heal. (Jt. Ex. 5, p. 123; Jt. Ex. 7, pp. 131–32) Dr. Abdullah nonetheless cautioned:

Some people have chronic permanent pain after rib fractures. There is no good way of predicting how well you will do with surgical repair with plating

of the ribs. We think there is a reasonable chance of improvement based on your symptoms and x[-]rays.

(Jt. Ex. 7, p. 132)

On July 19, 2019, Dr. Abdullah performed a right two-level open reduction and internal fixation (ORIF) of her rib fractures to the tenth and eleventh ribs. (Jt. Ex. 5, pp. 125–26) Ramsey rehabilitated and returned to work at Hy-Vee in October of 2019. No doctor had prescribed work restrictions at the time. A human resources employee named Mindy instructed Ramsey to ask for help if she felt she needed any due to her injuries. (Testimony)

A He-Vee human resources employee named Carrie informed Ramsey the company had no openings in the deli. Instead, Ramsey worked in the kitchen. Her job duties included running the register, taking orders from customers, and taking barstools and chairs down after the floor had been cleaned. (Testimony)

Hy-Vee did not provide a chair at the cash register. Ramsey inquired about a chair. Scott, a supervisor in the cafeteria, told her she could buy a chair for \$82.00. Ramsey chose not to buy a chair due to the cost.

Ramsey's hourly wage at the start of her assignment in the kitchen was \$9.00 per hour. She received a raise of \$1.00 per hour, which increased her hourly wage to \$10.00 per hour. She testified that new hires in the kitchen at that time were earning \$10.50 per hour. Nonetheless, her hours were typically less. (Testimony; Ex. D) Ramsey quit her employment with Hy-Vee because she was dissatisfied with her earnings, which were less than she was making while working in the deli before her injury. (Testimony)

Ramsey saw Maruti Kari, M.D., for pain management. He diagnosed Ramsey with intercostal neuralgia on the right side and myofascial pain syndrome. (Jt. Ex. 6, p. 127) On October 14, 2019, Dr. Kari performed nerve blocks and a trigger point injection to address her pain. (Jt. Ex. 6, pp. 127–30) The treatment did not provide Ramsey with relief. (Testimony)

After an examination on December 18, 2019, Camilla Frederick, M.D., diagnosed Ramsey with:

1. Multiple fractures of ribs, right side, subsequent encounter for fracture with routine healing;
2. Nondisplaced fracture of right radial styloid process, subsequent encounter for closed fracture with routine healing;
3. Nondisplaced fracture of right ulna styloid process, subsequent encounter for closed fracture with routine healing; and
4. Neuralgia intercostal.

(Jt. Ex. 4, p. 116)

Dr. Frederick provided a permanent functional impairment rating for Ramsey's fractured ribs. (Jt. Ex. 4, pp. 114–17) Dr. Frederick used the Fifth Edition of the American Medical Association (AMA) Guides to the Evaluation of Permanent Impairment (Guides). (Jt. Ex. 4, p. 117) After noting "there is no rating for rib fractures in and of themselves" in the Guides, Dr. Frederick opined:

She has mild obstructive changes on lung testing, no symptoms and she denies prior testing. Within a reasonable degree of medical certainty, this is related to her smoking and not to her fractures. CT scan initially showed mild atelectasis likely due to not deep breathing due to rib fractures.

For Neuropathy – it doesn't fit well the spinal [] or peripheral nerve model per Chapter 13.

For pain, [s]ee Table 18-4 [s]he had a [p]ain severity score of 16 out of 20. She has an activity limitation score of 31/16=1.9. She has a [p]ain impairment rating of 1.4. Credibility based on RAG noted above and pain behavior noted on exam is 0 on a -10 to +10 scale. Based on this information I would place her Class I MILD – doesn't interfere with performing ADLs but is aggravated by performing ADLs. This is per Table 18-3 [on] page 875.

(Jt. Ex.4, p. 117)

Dr. Frederick revisited the question of permanent impairment on July 23, 2021, using the Guides to opine:

Per the [Guides], Chapter 5, page 96–98 predicted lower limits of normal FEV1 for a 66 yo female who is (62 in x 2.54 cm/in=157.5 cm) 158 cm height is 1.579 – Table 5-5b FVC is 2.064 (Table 5-3b), and DCO is 16.36 (Table 5-7b). Her results done 07/06/21 were FEV1 is 1.77, FVC 2.27, DCO is 15.6 (95% of LLN from Table 5-7b). Her PFTs [s]he has a Class 2 impairment of the whole person per Table 15-12 page 107.

This gives her a 10% WPI.

(Jt. Ex. 4, p. 122) Dr. Frederick also noted Ramsey's "mild obstructive change . . . could be as easily related to her" history of smoking cigarettes. (Jt. Ex. 4, p. 122)

Farid Manshadi, M.D., performed an independent medical examination (IME) on July 15, 2021, arranged by claimant's counsel. (Cl. Ex. 1) Claimant's counsel sent Dr. Manshadi a letter with a summary of her care and a series of questions. (Cl. Ex. 1, pp. 6–18) Dr. Manshadi issued an IME report dated August 9, 2021, with opinions based on his examination of Ramsey and review of the medical records. (Cl. Ex. 1, p. 19)

Dr. Manshadi opined Ramsey reached MMI for her wrist injury on July 15, 2021. (Cl. Ex. 1, p. 23) He assigned permanent work restrictions of no sustained gripping

activities with her right hand and no continuous pushing or pulling with the right hand. (Cl. Ex. 1, p. 23) Dr. Manshadi used pages 466 through 469 of Chapter 16 in the Guides to assign a two percent impairment to Ramsey's right upper extremity. (Cl. Ex. 1, p. 23) However, Dr. Manshadi did not discuss what measurements or the tables on the cited pages of the Guides he used when arriving at this rating. (Cl. Ex. 1, p. 23)

With respect to Ramsey's torso, Dr. Manshadi observed, "Thoracic flexion appeared to be normal and rotation to the right was full; however, rotation to the left was about half a range." He opined:

In regard to the thoracic spine and the rib fractures, as well as the intercostal neuralgia, it is my professional opinion that these injuries . . . resulted [from] Ms. Ramsey's fall she took at work on 06/12/19 at Hy[-]Vee. This resulted in rib fractures on the right side as well as the surgery required to fix the rib fractures which were unstable. Also as a result, she suffers from thoracic nerve root neuralgia which has caused Ms. Ramsey to suffer from reduced range of motion of the thoracic spine as well as impairment of the pulmonary function test as determined by Dr. Frederick and the resultant impairment rating for such. However, it is also my professional opinion within a reasonable degree of medical certainty that Ms. Ramsey also has impairment in regard to her thoracic spine as a result of this work injury of 06/12/19.

(Cl. Ex. 1, p. 23)

Table 15-4, "Criteria for Rating Impairment Due to Thoracic Spine Injury," is found on page 389 of the Guides. The table provides three alternative criteria that allow for an injury to fall under "DRE Thoracic Category II. Guides, Table 15-4, p. 389. The first alternative is presented thusly:

History and examination findings are compatible with specific injury or illness; findings may include significant muscle guarding or spasm observed at the time of the examination, asymmetric loss of range of motion (dysmetria), or nonverifiable radicular complaints defined as complaints of radicular pain without objective findings; no alteration of motion segment integrity

Guides, Table 15-4, p. 389. Dr. Manshadi concluded Ramsey falls under this category and, accordingly, assigned a seven percent impairment to the whole body. (Cl. Ex. 1, pp. 23-24) He later clarified this was in addition to the ten percent whole person impairment for pulmonary dysfunction assigned by Dr. Frederick. (Cl. Ex. 1, pp. 31-32)

Initially, Dr. Manshadi did not assign Ramsey permanent work restrictions for her thoracic injury. Claimant's counsel sent him two letters in follow up with additional questions. (Cl. Ex. 1, pp. 26-29) In response, Dr. Manshadi opined that she required permanent work restrictions of no activity which requires repetitious bending or twisting at her waist, no lifting more than ten pounds, and no using ladders. (Cl. Ex. 1, p. 30)

Claimant's counsel also provided Dr. Manshadi with job descriptions from her deli job at Hy-Vee and pay station clerk and asked for his opinion on whether Ramsey could perform the job duties. (Cl. Ex. 1, p. 30) Dr. Manshadi opined she could not. (Cl. Ex. 1, p. 30)

The title of Table 15-4 in the Guides is "Criteria for Rating Impairment Due to Thoracic Spine Injury." The defendants argue that Dr. Manshadi misapplied the Guides by using Table 15-4 because it is for use when rating impairment caused by spine injuries, not rib injuries. Dr. Manshadi opined Ramsey has "thoracic nerve root neuralgia." Because nerve roots are part of the thoracic spine, the defendants' argument is not persuasive. Further, Dr. Manshadi's opinion is reinforced by Dr. Abdullah's opinion that Ramsey's back pain was most likely caused by her rib injury. For these reasons, Dr. Manshadi's opinion on Ramsey's permanent disability from her thoracic injury is adopted.

However, the question of permanent work restrictions is a different matter. Dr. Manshadi did not assign Ramsey permanent work restrictions in his IME report. He did so only after a follow-up inquiry from claimant's counsel. This makes Dr. Manshadi's opinion regarding permanent work restrictions relating to Ramsey's thoracic injury unpersuasive.

Dr. Manshadi also opined Ramsey's thoracic nerve root myalgia caused her obstructive pulmonary change. (Cl. Ex. 1, pp. 23, 32) He concurred with Dr. Frederick's assessment that it constituted a ten percent functional impairment to her whole body. (Cl. Ex. 1, pp. 23, 32) Dr. Manshadi's opinion on causation differed from Dr. Frederick, who opined it was as likely that Ramsey's history of smoking cigarettes caused the obstruction as the work injury. The weight of the evidence in this case establishes Ramsey's pulmonary change is most likely caused by her fall at Hy-Vee.

Ramsey decided to leave employment with Hy-Vee. She had an interview with Kwik Star, but did not receive an offer. Dollar General hired her, but lifting heavy materials caused her pain. She told her manager she could not perform the lifting required of the job and quit. (Testimony)

Walgreens hired Ramsey. She asked about lifting during the application process. A manager with Walgreens told her the heaviest thing she would lift would be candy bars to restock product in the checkout aisle. Ramsey worked as a cashier, earning \$10.00 per hour, until she broke her ankle, which necessitated a leave of absence. At the time of hearing, she expected to return to work at Walgreens later in the fall of 2021. (Testimony)

In a letter dated February 19, 2020, Tobias Mann, M.D., addressed questions regarding Ramsey's wrist injury and the disability it caused. (Jt. Ex. 3, pp. 75–76) He affirmed that she had achieved maximum medical improvement (MMI) on September 20, 2019. (Jt. Ex. 3, p. 75) Dr. Ramsey stated Ramsey did not require permanent work restrictions relating to her wrist injury. (Jt. Ex. 3, p. 75)

Dr. Mann noted the range-of-motion measurements of her wrist flexion and extension, forearm pronation and supination, and radial and ulnar deviation. (Jt. Ex. 3, p. 75) He used the Fifth Edition of the American Medical Association (AMA) Guides to the Evaluation of Permanent Impairment (Guides) to assess her permanent functional impairment. (Jt. Ex. 3, p. 75) Dr. Mann explained how he reached his opinion on impairment as follows:

According to Figure 16[-]28, wrist extension to 40 degrees results in a 4% impairment due to los[s] of wrist extension. Wrist flexion to 40 degrees results in a 3% impairment due to lost wrist flexion. Using the combined values chart on page 604, combining 4 and 3 results in a 7% impairment of the upper extremity due to lost wrist flexion and extension.

According to Figure 16[-]31, radial deviation to 11 degrees results in a 2% impairment due to lost radial deviation. Ulnar deviation to 25 degrees results in a 1% impairment due to lost ulnar deviation. Using the combined values chart on page 604, combining 2 and 1 results in a 3% impairment due to lost radial and ulnar deviation.

Again, using the combined values chart on page 604, combining 7[%] impairment due to the lost wrist flexion and extension with 3% impairment due to lost radial and ulnar deviation, results in a 10% impairment due to lost wrist motion.

Using Table 16[-]3, a 10% upper extremity impairment results in a 6% whole person impairment. I will, therefore, assign Ms. Ramsey a 10% upper extremity impairment as a result of her workplace injury.

(Jt. Ex. 3, pp. 75–76)

Dr. Mann explained in detail how he determined Ramsey's functional impairment. He identified the measurements of Ramsey's function and cited to specific tables in the Guides. While Dr. Manshadi cited to pages in the Guides, he did not provided a detailed explanation of his impairment rating like Dr. Mann's. Consequently, Dr. Mann's opinion is more persuasive and is adopted.

Ramsey continued to have symptoms from her rib injury through the time of hearing. Her rib injury caused her pain that began underneath her right breast, spanned across her right flank, and continued into the right side of her back. Ramsey could not sleep on her right side due to the injury because it felt like she was sleeping on a bed of nails if she tried. (Testimony)

The plates gave Ramsey issues due to temperature changes. For example, Ramsey wears two or three sweatshirts in the winter because of how cold the metal plates on her ribs get. She also has issues swimming during the summertime. Ramsey took her grandchildren swimming and shortly after she got out of the pool, the plates in her back "felt like ice cubes." (Testimony)

Ramsey continued to see Dr. Kari for her ongoing pain. He has prescribed hydrocodone, which Ramsey takes in the morning. Dr. Kari has suggested an alternative medication to manage her pain, but the side effects concerned her. (Testimony)

At Ramsey's last visit before the hearing, Dr. Kari also suggested a spinal cord stimulator to help mitigate the pain. She had not decided whether to proceed with the procedure at the time of hearing, due to the nature of the surgery and the effects of living with the stimulator. (Testimony)

Before the work injury, Ramsey and her husband owned a camper that they used for recreation. After the injury, Ramsey could no longer help her husband load the camper or climb up into the bed in the camper. Consequently, they sold the camper. (Testimony)

As found above, Ramsey sustained a ten percent whole person impairment due to a reduction in pulmonary function caused by her fall at Hy-Vee. She also sustained a seven percent impairment to her whole body from her thoracic nerve root myalgia. Using the combined values chart in the Guides, these two impairments combined to equal a sixteen percent impairment.

Dr. Mann's impairment rating of Ramsey's wrist injury equals six percent of the whole body. Sixteen percent plus six percent equals twenty-one percent using the combined values chart in the Guides. The weight of the evidence establishes the stipulated work injury at Hy-Vee caused Ramsey to sustain a permanent functional impairment of twenty-one percent to her whole body.

CONCLUSIONS OF LAW

In 2017, the Iowa legislature amended the Iowa Workers' Compensation Act. See 2017 Iowa Acts, ch. 23. The 2017 amendments apply to cases in which the date of an alleged injury is on or after July 1, 2017. Id. at § 24(1); see also Iowa Code § 3.7(1). Because the injury at issue in this case occurred after July 1, 2017, the Iowa Workers' Compensation Act, as amended in 2017, applies. Smidt v. JKB Restaurants, LC, File No. 5067766 (App. Dec. 11, 2020).

1. Permanent Disability.

Because the evidence establishes Ramsey sustained injuries to her right arm and thoracic spine that caused permanent functional impairment, Iowa Code section 85.34(2)(v) governs. It states:

In all cases of permanent partial disability other than those described or referred to in paragraphs "a" through "u", the compensation shall be paid during the number of weeks in relation to five hundred weeks as the reduction in the employee's earning capacity caused by the disability bears in relation to the earning capacity that the employee possessed

when the injury occurred. A determination of the reduction in the employee's earning capacity caused by the disability shall take into account the permanent partial disability of the employee and the number of years in the future it was reasonably anticipated that the employee would work at the time of the injury. If an employee who is eligible for compensation under this paragraph returns to work or is offered work for which the employee receives or would receive the same or greater salary, wages, or earnings than the employee received at the time of the injury, the employee shall be compensated based only upon the employee's functional impairment resulting from the injury, and not in relation to the employee's earning capacity. Notwithstanding section 85.26, subsection 2, if an employee who is eligible for compensation under this paragraph returns to work with the same employer and is compensated based only upon the employee's functional impairment resulting from the injury as provided in this paragraph and is terminated from employment by that employer, the award or agreement for settlement for benefits under this chapter shall be reviewed upon commencement of reopening proceedings by the employee for a determination of any reduction in the employee's earning capacity caused by the employee's permanent partial disability.

Iowa Code § 85.34(2)(v).

The parties dispute how section 85.34(2)(v) applies in this case. As found above, Ramsey established her earnings at Hy-Vee were less after she returned to work following her injury because she did not receive as many hours. Therefore, she is entitled to a determination of permanent disability based on lost earning capacity. See McCoy v. Menard, Inc., File No. 1651840.01 (Apr. 9, 2021); see also Vogt v. XPO Logistics Freight, File No. 5064694.01 (App. Jun. 11, 2021). The assessment of a claimant's earning capacity is based on multiple factors: functional disability, age, education, qualifications, work experience, inability to engage in similar employment, earnings before and after the injury, motivation to work, personal characteristics of the claimant, the claimant's inability, because of the injury to engage in employment for which the claimant is fitted, and the employer's inability to accommodate the claimant's functional limitations. Id.; IBP, Inc. v. Al-Gharib, 604 N.W.2d 621, 632–33 (Iowa 2000); Ehlinger v. State, 237 N.W.2d 784, 792 (Iowa 1976).

The evidence shows Ramsey sustained a permanent functional impairment of twenty-one percent to her whole body. Ramsey retired from Oscar Mayer and sought less strenuous work. At age sixty-six, she is unlikely to work much longer. Ramsey has failed to establish she requires permanent work restrictions due to the work injury she sustained at Hy-Vee. She has been able to find employment at a higher hourly wage than she earned at the time of injury. The weight of the evidence establishes she sustained a twenty-one percent whole body impairment.

For these reasons, under Iowa Code section 85.34(2)(v), Ramsey is entitled to workers' compensation for permanent impairment to her whole body of twenty-one

percent. Five hundred multiplied by twenty-one percent equals one hundred five weeks of benefits. Ramsey is entitled to one hundred five weeks of PPD benefits.

2. Rate.


The parties stipulated Ramsey's gross earnings on the stipulated injury date were \$264.62 per week. They also stipulated she was married and entitled to two exemptions at the time in question. Based on the parties' stipulations, Ramsey's workers' compensation rate is \$223.54 per week.

ORDER

Based on the above findings of fact and conclusions of law, it is ordered:

- 1) The defendants shall pay to Ramsey one hundred five (105) weeks of permanent partial disability benefits at the rate of two hundred twenty-three and 54/100 dollars (\$223.54) per week from the commencement date of February 19, 2020.
- 2) The defendants shall pay accrued weekly benefits in a lump sum.
- 3) The defendants shall pay interest on unpaid weekly benefits awarded herein as set forth in Iowa Code section 85.30.
- 4) The defendants shall be given the credit for benefits previously paid for the stipulated amount of thirty-four (34) weeks of compensation at the rate of two hundred twenty-three and 54/100 dollars (\$223.54) per week.
- 5) The defendants shall file subsequent reports of injury as required by Rule 876 IAC 3.1(2).
- 6) The defendants shall pay to Ramsey the following amounts for the following costs:
 - a. Two hundred and 00/100 dollars (\$200.00) for Dr. Manshadi's August 22, 2021 report, 876 IAC 4.33(6);
 - b. One hundred fifty and 00/100 dollars (\$150.00) for Dr. Manshadi's September 14, 2021 report, id.; and
 - c. One hundred and 00/100 dollars (\$100.00) for the filing fee, id. at 4.33(7).

Signed and filed this 6th day of May, 2022.


BENJAMIN G. HUMPHREY
DEPUTY WORKERS'
COMPENSATION COMMISSIONER

The parties have been served, as follows:

Gary Nelson (via WCES)

M. Anne McAtee (via WCES)

Right to Appeal: This decision shall become final unless you or another interested party appeals within 20 days from the date above, pursuant to rule 876-4.27 (17A, 86) of the Iowa Administrative Code. The notice of appeal must be filed via Workers' Compensation Electronic System (WCES) unless the filing party has been granted permission by the Division of Workers' Compensation to file documents in paper form. If such permission has been granted, the notice of appeal must be filed at the following address: Workers' Compensation Commissioner, Iowa Division of Workers' Compensation, 150 Des Moines Street, Des Moines, Iowa 50309-1836. The notice of appeal must be received by the Division of Workers' Compensation within 20 days from the date of the decision. The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or legal holiday.