

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

BRENDA A. GIEGERICH,

Claimant,

vs.

DOWNTOWN EAGLE, INC.,

Employer,

and

TRAVELERS INDEMNITY COMPANY
OF CT.

Insurance Carrier,
Defendants.

File No. 5040559

APPEAL
DECISION

FILED

APR - 2 2015

WORKERS' COMPENSATION

Head Note No. 1902

Defendants Downtown Eagle, Inc., employer, and Travelers Indemnity Co. of CT., insurance carrier, appeal from an arbitration decision filed March 27, 2014. The case was heard on August 28, 2013, in front of the deputy workers' compensation commissioner and considered fully submitted October 1, 2013. On March 19, 2015, the case was delegated to the undersigned to issue the final agency decision of the intra-agency appeal.

The deputy commissioner found that claimant had sustained a neck and shoulder injury arising out of a work injury on January 5, 2010, and found claimant permanently and totally disabled. Defendant employer and insurer assert on appeal that the deputy commissioner erred in its causation findings and disability findings.

Claimant asserts the findings of the deputy commissioner should be affirmed on appeal. The detailed arguments of the parties have been considered and the record of evidence has been reviewed de novo.

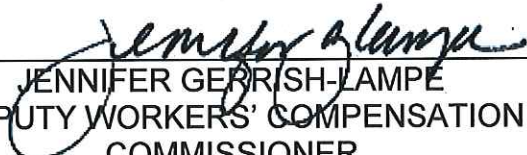
Pursuant to Iowa Code sections 86.24 and 17A.5, I affirm and adopt as the final agency decision those portions of the proposed arbitration decision filed on March 27, 2014, that relate to issues properly raised on intra-agency appeal without additional comment.

ORDER

IT IS THEREFORE ORDERED that the arbitration decision of March 27, 2014, is AFFIRMED.

Defendants Downtown Eagle, Inc., employer, and Travelers Indemnity Co. of CT., insurance carrier, shall pay the costs of the appeal, including the preparation of the hearing transcript.

Signed and filed this 2nd day of April, 2015.



JENNIFER GERRISH-LAMPE
DEPUTY WORKERS' COMPENSATION
COMMISSIONER

Copies To:

Chadwyn D. Cox
Attorney at Law
P.O. Box 239
Dubuque, IA 52004-0239
cox@rkenline.com

Patrick V. Waldron
Attorney at Law
505 – 5th Ave., Ste. 729
Des Moines, IA 50309-2390
pwaldron@pattersonfirm.com