

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

JULIE ANN REYNOLDS,	:	FILED
Claimant,	:	APR 20 2017
vs.	:	WORKERS' COMPENSATION
ALGONA MANOR CARE CENTER,	:	File No. 5041042
Employer,	:	REHEARING
and	:	DECISION
CANON COCHRAN MANAGEMENT SERVICES, INC.,	:	
Insurance Carrier,	:	
Defendants.	:	Head Note Nos: 2501, 3800

On April 5, 2017, claimant filed a rehearing application (application). Defendants resist the application. The application is considered.

Claimant contends the remand decision in this case failed to follow remand instructions given by the district court and by the Iowa Court of Appeals.

In the Ruling and Order on Petition for Judicial Review for this case, Chief District Judge Arthur Gamble ruled:

The Court remands the matter to the agency to determine the credit and interest computation on any late or missing benefits payment.

(Ruling, page 17)

On appeal, the Iowa Court of Appeals affirmed the District Court:

We note the district court did not require Algona Manor to pay interest. It only remanded for a determination of whether interest is owed on any late or missing weekly benefit payments.

(Reynolds v Algona Manor, No. 15-1095, p.10, filed July 27, 2016 (Iowa Ct. App) Unpublished, 885 N.W.2d 830 (Table))

As noted above, the Court of Appeals instructed this agency to make "...a determination of whether interest is owed on any late or missing weekly benefit payments."

The arbitration decision found that 10 weekly payments were either late or missing. (Arbitration Dec. pp. 14-15) That finding of fact was accepted by the Court of Appeals in the remand decision.

As noted in the remand decision, claimant's benefit rate was found to be \$633.30 per week. According to the record, claimant was paid temporary benefits for the following periods:

DATE	BENEFIT	AMOUNT DUE AT \$633.30
09/06/11 – 09/09/11	TTD	\$361.88
09/10/11 – 09/23/11	TTD	\$1,266.60
09/24/11 – 09/25/11	TPD	\$404.60
09/26/11 – 09/30/11	TTD	\$452.36
10/01/11 – 10/03/11	TTD	\$271.41
10/04/11 – 10/14/11	TPD	\$114.61
10/15/11 – 10/21/11	TTD	\$633.30
10/22/11 – 10/23/11	TPD	\$415.26
10/24/11 – 01/13/12	TTD	\$7,418.66
01/14/12 – 01/15/12	TTD	\$180.94
01/16/12 – 02/12/12	TPD	\$1,447.20
02/13/12 – 02/17/12	TTD	\$452.36
02/18/12 – 02/24/12	TTD	\$633.30
02/25/12 – 02/06/13	TTD	\$31,393.58
TOTALS		\$45,446.06

(Exhibit H)

Initially claimant was paid temporary total disability benefits of \$42,389.06. (Ex. H) Claimant was paid \$2,627.24 in temporary partial disability benefits. (Ex. H)

As detailed in the remand decision, claimant was also paid an additional \$2,165.10 to remedy an alleged underpayment in rate, plus interest. (Ex. A, pp 10-11)

In all, claimant was paid \$47,181.40 for all temporary benefits (\$42,389.06 + \$2,627.24 + \$2,165.10). According to the record, claimant was actually owed \$45,446.06 at the rate of \$633.30 per week. Based on the record, claimant appears to have been overpaid \$1,735.34. Based on this record, defendants are not liable for any interest on the ten late or missing benefit payments.

The Court of Appeals instructed this agency to make "...a determination of whether interest is owed on any late or missing weekly benefit payments." This agency made the determination, in the remand decision, that given the overpayment, claimant was not due any interest.

For this reason, claimant's application for is denied.

Signed and filed this 20th day of April, 2017.

Joseph S. Cortese II

JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

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