

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

RANDY STROMLEY,

Claimant,

vs.

REYES HOLDINGS, LLC,

Employer,

and

INDEMNITY INSURANCE COMPANY
OF NORTH AMERICA,

Insurance Carrier,
Defendants.

FILED

MAY 30 2018

WORKERS' COMPENSATION

File No. 5055978

A P P E A L

D E C I S I O N

Head Note No: 1803

Defendants Reyes Holdings, LLC, employer, and its insurer, Indemnity Insurance Company of North America, appeal from an arbitration decision filed on March 14, 2017. Claimant Randy Stromley responds to the appeal. The case was heard on January 31, 2017, and it was considered fully submitted in front of the deputy workers' compensation commissioner on February 15, 2017.

The deputy commissioner found claimant sustained ten 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 July 13, 2014, which entitles claimant to receive 50 weeks of permanent partial disability (PPD) benefits, commencing on August 1, 2014.

Defendants assert on appeal that the deputy commissioner erred in finding claimant sustained 10 percent industrial disability as a result of the work injury. Defendants assert the award for industrial disability should be reversed and claimant should be awarded nothing.

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 14, 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 ten percent industrial disability as a result of the work injury. I affirm the deputy commissioner's findings, conclusions and analysis regarding that issue.

ORDER

IT IS THEREFORE ORDERED that the arbitration decision filed on March 14, 2017, is affirmed in its entirety.

Defendants shall pay claimant fifty (50) weeks of permanent partial disability benefits at the weekly rate of eight hundred seventy-six and 60/100 dollars (\$876.60), commencing on August 1, 2014.


Defendants shall be entitled to a credit for all benefits paid to date.

Defendants shall pay accrued benefits in a lump sum, with interest on all accrued weekly benefits pursuant to Iowa Code section 85.30.

Pursuant to rule 876 IAC 4.33, 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 30th day of May, 2018.



JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

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