

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

SCOTT SAPPINGTON,

Claimant,

vs.

RENAISSANCE REALTY GROUP, INC.,

Employer,

and

ZURICH AMERICAN INSURANCE
COMPANY,

Insurance Carrier,
Defendants.

FILED

DEC 31 2015

WORKERS' COMPENSATION

File No. 5041279

A P P E A L

D E C I S I O N

Head Note Nos.: 1804; 4100; 2700

Defendants Renaissance Realty Group, Inc., and Zurich American Insurance Company appeal from an arbitration decision filed on December 5, 2014. The case was heard on August 22, 2014, and it was considered fully submitted on November 14, 2014, in front of the deputy workers' compensation commissioner.

The deputy commissioner awarded claimant permanent total disability benefits at the stipulated weekly benefit rate of \$342.75 from May 1, 2012. The deputy commissioner also awarded medical expenses and mileage expenses set forth in Exhibits 16 and 17 as they relate to the work injury consistent with the arbitration decision. The deputy commissioner awarded care and treatment of claimant's anxiety/depression and also aggravations of claimant's gastrointestinal problems caused by medications related to the work injury, as recommended by Joan Timmerman, M.D. The deputy commissioner awarded massage therapy for claimant's left shoulder. The deputy commissioner awarded the IME fee and mileage expense related to Jeffrey Coe, M.D.'s IME. The deputy also awarded the costs of this action set forth in claimant's post-hearing brief pursuant to administrative rule 876 IAC 4.33.

Defendants assert on appeal that the deputy commissioner erred in awarding permanent total disability benefits and defendants further assert that the award for permanent disability should be significantly reduced. Defendants assert that the deputy commissioner erred in awarding care and treatment of claimant's anxiety/depression and also aggravations of claimant's gastrointestinal problems caused by medications

related to the work injury, as recommended by Dr. Timmerman. Defendants assert that the deputy commissioner erred in awarding massage therapy for claimant's left shoulder.

Claimant asserts on appeal that the arbitration decision should be affirmed in its entirety.

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 86.24 and 17A.5, I affirm and adopt as the final agency decision those portions of the proposed arbitration decision filed on December 5, 2014, that relate to issues properly raised on intra-agency appeal with the following additional analysis:

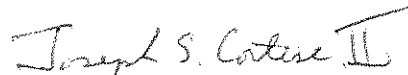
The deputy commissioner provided sufficient analysis of the issue of permanent total disability, the issue of care and treatment of claimant's anxiety/depression and also aggravations of claimant's gastrointestinal problems caused by medications related to the work injury, and the issue of whether claimant is entitled to ongoing massage therapy. I concur with the deputy commissioner's findings of fact and conclusions of law pertaining to these issues. Therefore, I adopt the deputy commissioner's findings, conclusions and analysis regarding these issues.

ORDER

IT IS THEREFORE ORDERED that the arbitration decision of December 5, 2014, is AFFIRMED in its entirety.

Defendants shall pay the costs of the appeal, including the preparation of the hearing transcript.

Signed and filed this 31st day of December, 2015.



JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

Copies to:

Robert T. Rosenstiel
Attorney at Law
PO Box 4298
Rock Island, IL 61204-4298
rrosenstiel@wkclawfirm.com

Charles A. Blades
Attorney at Law
PO Box 36
Cedar Rapids, IA 52406-0036
cblades@scheldruplaw.com