

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

**FILED**

GABRIEL CALICIO LOPEZ,

Claimant,

vs.

AMERISTAR EXTERIORS,

Uninsured Employer,

Defendant.

File No. 5043104

REHEARING

DECISION

Head Note Nos.: 1402; 1504; 1801

MAY 23 2016

WORKERS' COMPENSATION

On May 5, 2016, defendant filed a motion to reconsider (application). On May 12, 2016, claimant filed a response to the application. The application is considered.

On April 28, 2016, the undersigned issued an appeal decision finding claimant's rate was \$505.58 per week.

Defendant contends claimant was paid \$400 per week, and his rate, for the date of injury of August 29, 2011, should be \$284.78 per week. Claimant concurs with this rate calculation.

A review of the record and the attachments to defendant's application indicate claimant had an average weekly wage of \$400 per week. Claimant was married with two exemptions. Claimant's correct rate should be \$284.78. Defendant's application is granted.

The appeal decision is changed to reflect that claimant's proper rate is \$284.78 per week. The Order section of the April 28, 2016, appeal decision shall be changed as follows:

"Defendant shall pay claimant a running award of healing period benefits at the weekly rate of two hundred eighty four and 78/100 dollars (\$284.78) beginning on August 29, 2011, and continuing until such time as claimant meets the criteria of Iowa Code section 85.34(1)."

The decision remains the same in all other respects.

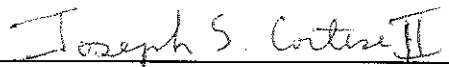
ORDER

THEREFORE, IT IS ORDERED:

That defendant's application is granted.

That the appeal decision is supplemented as discussed above.

Signed and filed this 23rd day of May, 2016.



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JOSEPH S. CORTESE II  
WORKERS' COMPENSATION  
COMMISSIONER

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