

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

SERGIO RODRIGUEZ,

Claimant,

vs.

IOWA SELECT FARMS, LLP,

Employer,

and

ZURICH, N.A.,

Insurance Carrier,
Defendants.

FILED

JUL 19 2016

WORKERS' COMPENSATION

File No. 5045077

A P P E A L

D E C I S I O N

Head Note Nos.: 1100; 1108; 1400
1803

Claimant Sergio Rodriguez appeals from an arbitration decision filed on February 24, 2015. Defendants Iowa Select Farms, LLP, employer, and its insurer, Zurich, N.A., respond to the appeal. The case was heard on June 26, 2014, and it was considered fully submitted in front of the deputy workers' compensation commissioner on August 4, 2014.

The deputy commissioner found claimant failed to carry his burden of proof that he sustained a cumulative trauma injury to his back which arose out of and in the course of his employment on or about April 19, 2013. The deputy commissioner awarded claimant nothing. The deputy commissioner ordered each party to be responsible for their own costs of the arbitration proceeding.

Claimant asserts on appeal that the deputy commissioner erred in finding claimant failed to carry his burden of proof that he sustained a work-related cumulative trauma injury to his back on or about April 19, 2013. Claimant asserts the deputy commissioner erred in awarding claimant nothing.

Defendants assert 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 February 24, 2015, 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 failed to carry his burden of proof that he sustained a work-related cumulative trauma injury to his back on or about April 19, 2013. I affirm the deputy commissioner's award of nothing. I affirm the deputy commissioner's findings, conclusions and analysis regarding those issues.

ORDER

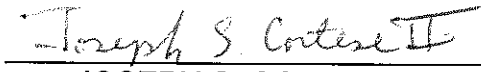
IT IS THEREFORE ORDERED that the arbitration decision of February 24, 2015, is affirmed in its entirety.

Claimant shall take nothing from these proceedings.

Defendants shall receive credit for all benefits previously paid.

Pursuant to rule 876 IAC 4.33, each party is responsible for their own costs of the arbitration proceeding and claimant shall pay the costs of the appeal, including the cost of the hearing transcript.

Signed and filed this 19th day of July, 2016.



JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

Copies To:

James C. Byrne
Attorney at Law
1441 – 29TH Street, Suite 111
West Des Moines, Iowa 50266
jbyrne@nbolawfirm.com

James H Gilliam
Attorney at Law
5907 Grand Avenue
Des Moines, Iowa 50312
jhg@longgilliam.com