

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

MARK HEEFNER,	:		FILED
Claimant,	:	File No. 5048258	JAN 22 2016
vs.	:	A P P E A L	WORKERS' COMPENSATION
SECOND INJURY FUND OF IOWA,	:	D E C I S I O N	
Defendant.	:	Head Notes: 1803, 3200, 5-9999	

Claimant Mark Heefner appeals from a ruling in an arbitration proceeding filed December 29, 2014, which sustained a motion for summary judgment dismissing a claim against defendant Second Injury Fund of Iowa.

Pursuant to Iowa Code sections 86.24 and 17A.15, I affirm and adopt as the final agency decision the ruling of the deputy commissioner filed on December 29, 2014, in this matter which relates to issues properly raised on intra-agency appeal with the following additional analysis:

While this agency's approval of an agreement for settlement is not an adjudication on the merits as asserted by claimant, the settlement does finally establish employer's liability for a 2008 work injury and claimant's entitlement to the benefits agreed upon in the settlement as a result of that work injury.

I agree that the workers' compensation statutes are humanitarian in purpose to protect a worker and his or her family from the adverse impacts of a work injury and should be interpreted liberally to carry out that purpose. Caterpillar Tractor Co. v Shook, 313 N.W. 2d 503 (Iowa 1981). However, the purpose of the Second Injury Fund provisions in Chapter 85 is to minimize the liability of employers who hire disabled workers thereby encouraging their employment. Anderson v Second Injury Fund, 262 N.W. 2d 789 (Iowa 1978). According to the plain language of Iowa Code section 85.64, Second Injury Fund liability only arises after an employer's liability for a work injury is exhausted. If there is no employer liability for a qualifying work injury, there can be no claim against the Fund. In this case, there is no showing of an employer liability for a qualifying 2005 injury. The March 2012 agreement for settlement precludes claimant from using the payments from the settlement to extend the statute of limitations for a new claim against the employer for a 2005 work injury. Likewise, claimant cannot do so in a claim against the Fund.

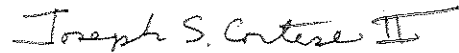
Finally, the agency decision in the prior claim against the Second Injury Fund of Iowa, which found no 2008 work injury, had no impact on the 2012 agreement for settlement. Claimant could still have enforced the settlement agreement or filed a timely review-reopening action against the employer for a 2008 injury after that decision.

ORDER

IT IS THEREFORE ORDERED that the ruling on motion for summary judgment filed on December 29, 2014, is affirmed.

Costs of this appeal are assessed to claimant.

Signed and filed this 22nd day of January, 2016.



JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

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