BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

ANGELA JACKSON AS SURVIVING SPOUSE OF MAX JACKSON, Claimant, vs. BRIDGESTONE AMERICAS TIRE OPERATIONS, LLC, Employer, and OLD REPUBLIC INSURANCE COMPANY, Insurance Carrier, Defendants.	FILED MAR 08 2019 WORKERS' COMPENSATION File No. 5060852 ARBITRATION DECISION Head Note Nos.: 1100, 1802, 1108.20, 1402.30, 1602, 2204

STATEMENT OF THE CASE

Claimant Angela Jackson (hereinafter "Angela"), surviving spouse of Max Jackson (hereinafter "Max"), filed a petition in arbitration seeking death benefits from defendants Bridgestone Americas Tire Operations, LLC, employer, and Old Republic Insurance Company, insurer. The hearing occurred before the undersigned on January 23, 2019, in Des Moines, Iowa.

The parties filed a hearing report at the commencement of the arbitration hearing. In the hearing report, the parties entered into various stipulations. All of those stipulations were accepted and are hereby incorporated into this arbitration decision, and no factual or legal issues relative to the parties' stipulations will be raised or discussed in this decision. The parties are now bound by their stipulations.

The evidentiary record consists of: Joint Exhibits 1 through 4, Claimant's Exhibits 1 through 9, and Defendants' Exhibits A through H. Angela testified on her own behalf. Steve Vonk and Kenneth Jackson also testified on Angela's behalf. Darin Gulling and Jeff Higgins testified for defendants. The evidentiary record closed on January 23, 2019. The case was considered fully submitted upon receipt of the parties' briefs on February 25, 2019.

ISSUES

The parties submitted the following disputed issues for resolution:

1. Whether Max's death arose out of and in the course of his employment and/or was causally related to his work activities with defendant-employer.

2. Whether Max was defendant-employer's employee at the time of his death.

3. Whether Angela is entitled to funeral expenses.

FINDINGS OF FACT

Max was a longtime employee of defendant-employer. Angela testified Max's job meant everything to him. (Hearing Transcript, pages 69-70) As an example, she explained Max wore his uniform to his daughter's wedding "[b]ecause he was on his way to work." (Tr., p. 70) Over the course of his 28-year career with defendant-employer, he missed only three days of work. (Hrg. Tr., p. 50)

Max was employed as a tire layer in the curing department. (Tr., p. 83) On August 1 or 2 of 2016, Darin Gulling, the unit leader for quality in Max's department, was checking the press that Max was working on. (Tr., pp. 82, 84) At the time, the press was not producing tires to the quality level expected. (Tr., p. 84)

Through the course of his inspection, Mr. Gulling discovered the pressure on the press was being turned up outside of the specifications. (Tr., p. 85) This concerned Mr. Gulling because the specifications are set for both quality and safety. (See Tr., p. 83) If the pressure is too high, the "bladder" used for shaping tires can blow up, causing a safety concern, or the tire can shape too quickly, causing a quality concern. (See Tr., pp. 83, 86) As a result, only Mr. Gulling and maintenance had authority to modify the pressure. (Tr., p. 85)

When Mr. Gulling discovered the pressure was higher than specifications, Mr. Gulling approached Max and asked whether he had turned it up. (Tr., p. 86) Max said no. (Tr., p. 86) Mr. Gulling reset the pressure to specifications before telling Max, "Make sure you're not adjusting it." (Tr., p. 86)

Mr. Gulling returned to the press a few hours later and again found the pressure turned up beyond the specifications. (Tr., p. 87) Mr. Gulling then approached Max a second time, this time with another supervisor, and asked him whether he was altering the pressure. (Tr., p. 88) Max again denied touching it. (Tr., p. 88) Mr. Gulling again reset the pressure to specifications and told Max, "Do not adjust it." (Tr., p. 88)

After Mr. Gulling left the second time, he watched Max on surveillance cameras minutes later as he pulled a tool out of his pocket and adjusted the pressure for the third time. (Tr., p. 89; Ex. A (employee is seen reaching into pocket and adjusting machine

at roughly 2:43 p.m.)) At this point, Mr. Gulling got Kim Peterson and asked Mr. Peterson to review the footage. (Tr., p. 90) Mr. Peterson is a supervisor within the plant and is also considered a liaison for the plant's surveillance cameras. (See Exhibit D, p. 2 [Tr., p. 7])

Mr. Gulling and Mr. Peterson then approached Max and told him they had surveillance footage of him adjusting the pressure. (Tr., p. 90) Max again denied doing so. (Tr., p. 90) As a result of Max's denial, Mr. Gulling and Mr. Peterson decided to pull Max from his job and take him to the office with his union representative. (Tr., p. 90)

Once in the office, Max was shown the surveillance video. (Tr., p. 91) After watching the video, Max asked to speak privately with his union representative. (Tr., p. 91) After they spoke for a few minutes, Max asked Mr. Gulling and Mr. Peterson whether he could rescind his previous denials. (Tr., p. 91) When Mr. Peterson told Max no, Max ultimately admitted he adjusted the pressure but continued to deny that he had the tool with him. (Tr., pp. 91-92)

Max's actions were deemed "insubordinate" under defendant-employer's policy. (See Tr., p. 92) As a result, Max was removed from the plant and suspended pending a several-day "cooling-off period" during which defendant-employer conducted an investigation. (See Tr., p. 92; Ex. D, p. 3 [Tr., p. 9]; Ex. F, p. 3 [Tr. p. 11])

Angela testified Max "felt like shit" over the weekend during his cooling-off period. (Tr., p. 71) Max's son Kenneth Jackson (hereinafter "Kenneth"), who also worked for defendant-employer in an area near his father's, testified Max told him he would end his life if he lost his job. (Tr., p. 63)

After the investigation was completed, human resources agreed that Max's actions did amount to insubordination, which results in an automatic discharge. (Ex. F, pp. 3-4 [Tr., p. 12-13]; see Ex. B, p. 14) Max was terminated effective August 8, 2016. (Ex. B, p. 1)

Max was made aware of defendant-employer's decision to terminate him on August 8, 2016. He had a meeting with human resources sometime that afternoon. (See Tr., p. 53) Kenneth called Max shortly after the meeting. (Tr., p. 54) Max told Kenneth he had been fired and that "he didn't know what he was going to do" or "how he was ever going to make it." (Tr., p. 54)

At some point after 2:30 p.m. on August 8, 2016, Max also called Angela to inform her that he had been terminated. (Tr. p. 72) Angela was on her way home from work at the time. (Tr., p. 72) When Angela got home, Max had not yet arrived. (Tr., p. 73) Shortly thereafter, Angela went outside to the garage where she found Max who was inside with the door chained and padlocked and the car running. (Tr., p. 73) Angela was able to coax Max out of the garage, but as soon as she went back inside the house Max left. (Tr., p. 74)

Sadly, Max was found dead shortly thereafter by police officers. (Tr., p. 75) Max's death was deemed a suicide by hanging at roughly 3:30 p.m. (Ex. 7) The suicide occurred less than two hours after Max was informed of his termination.

Roughly eight months before Max's suicide, Max presented to the VA for a "behavioral health consult." (JE 1, p. 5) He reported "issues with hating people." (JE 1, p. 6) Max was diagnosed with major depressive disorder and anxiety disorder and referred for psychotherapy. (JE 1, pp. 7-8) Max completed five sessions of psychotherapy before being discharged due to scheduling issues. (JE 2, pp. 1-2) His counselor diagnosed him with intermittent explosive disorder and gave him the names of two other offices for additional therapy. (JE 2, p. 2)

There is no evidence in the record, however, that claimant sought additional counseling or any other treatment for his mental health conditions after he was discharged from psychotherapy in January of 2016. In fact, Angela told Dr. Gallagher that she did not perceive Max as having any psychiatric issues at the time of his death other than an inordinate fear of termination. (JE 3, p. 4)

The only expert opinion in the record is from James Gallagher, M.D., a psychiatrist, and Dr. Gallagher refused to give a psychiatric diagnosis for Max. More specifically, he stated: "It may be that [Max] was suffering from emotional distress, but the timeline was very short between termination and ending his life. Offering a psychiatric diagnosis for [Max's] behavior would be speculative at this point." (JE 3, pp. 5-6)

There is no opinion in the record from any physician that affirmatively states Max was suffering from a mental condition leading up to and at the time of his suicide. However, given his counselor's recommendation in early 2016 to continue therapy, I will assume Max was continuing to suffer from major depressive disorder, anxiety disorder, and/or intermittent explosive disorder at the time of his suicide. The question then becomes whether these conditions arose out of and in the course of Max's employment.

Max's mental conditions appear to have been rooted in personal issues. For example, in his behavioral health consultation at the VA, Max reported "issues with hating people," including his wife, son, neighbors, and dentist. (See JE 1, p. 6) Notably, however, no one from defendant-employer was discussed. Similarly, in the records from claimant's psychotherapy sessions, there is no discussion regarding Max's job. (See JE 2, p. 2-4)

Further, no physician causally related Max's mental conditions to his employment duties or work environment. Likewise, no physician opined that any of these conditions were aggravated by Max's work or work environment. To the contrary, the evidence reveals Max's employment was a calming factor in his life. For example, Max's sister stated Max returned to work immediately after his parents died. (Ex. 3) This was echoed by Dr. Gallagher in his report: "It may be that [Max] was suffering

psychologically and that work provided a considerable amount of structure for him and helped with mood self-regulation and, thus, his devotion to work." (JE 3, p. 5)

Put simply, Angela does not contend it was Max's day-to-day work duties or stresses that led to his suicide; instead, she attributes Max's suicide to his termination and nothing else. (See Tr., p. 76) However, while Dr. Gallagher opined Max's termination caused "extreme fear and psychological pain," he did not go so far as to say that the termination caused or aggravated any of Max's mental conditions. (See JE 3, pp. 5-6) In fact, there is no expert in the opinion that does so.

I am unwilling to find that Max's "extreme fear and psychological pain" constitute an "injury," particularly when Dr. Gallagher specifically refused to offer a specific psychiatric diagnosis because doing so would be "speculative." (See JE 3, p.6)

Ultimately, while Dr. Gallagher opined Max's termination was a substantial factor that led to his suicide, no doctor opined that Max's termination caused a mental injury or materially aggravated any of his mental conditions that, in turn, led to his suicide. For these reasons, there is insufficient evidence for me to find that Max's mental conditions that preceded his suicide, if any, were causally related to or aggravated by his work or termination.

However, I will assume for the sake of argument that Max's termination did, in fact, cause a mental injury or a material aggravation of Max's mental conditions. Angela does not contend that Max's day-to-day work duties caused stresses of a greater magnitude than the daily stresses experienced by similar workers. Instead, Angela focuses on the stress and tension Max experienced leading up to and after his termination. She suggests Max's termination was an extreme and "heavy-handed" response to a relatively minor transgression.

In support of her argument, Angela points to the testimony of Steve Vonk, one of Max's co-workers and president of the local union. Mr. Vonk testified defendant-employer's decision to terminate Max was "very unusual" because insubordinations are fairly rare. (See Tr., p. 20) More specifically, Mr. Vonk did not believe Max's actions were true "insubordination," especially considering the fact that Max was a longtime employee. (Tr., p. 21) Mr. Vonk believed Max should have been written up for "failure to follow instructions" based on the way defendant-employer historically handled similar situations. (See Tr. pp. 27-28) Because Mr. Vonk did not believe Max was insubordinate, he did not believe termination was appropriate. (See Tr., pp. 21-22)

Per defendant-employer's policy, insubordination is defined as "the failure or refusal of an Employee to follow direct instructions given to them by any member of Management." (Ex. B, p. 14)

Mr. Vonk acknowledged on cross-examination that under this definition, a failure to follow direction from management can amount to insubordination. (Tr., p. 29) Mr. Vonk also admitted Max did something he was told specifically not to do. (Tr., p. 35)

Further undercutting Mr. Vonk's testimony was the testimony of Mr. Gulling. Mr. Gulling agreed that Max's behavior of turning up the pressure several times after being instructed not to was insubordination. (Tr., p. 92) He testified he also dealt with other instances of insubordination with other employees at defendant-employer, all of which resulted in termination. (Tr., p. 92) Thus, in Mr. Gulling's opinion, Max was not treated differently than any other employee would have been treated under the circumstances. (Tr., p. 92)

Jeffrey Higgins, the labor relations section manager in human resources for defendant-employer, echoed Mr. Gulling's testimony. Mr. Higgins testified Max's behavior amounted to insubordination. (Tr., p. 100) He explained when an employee does something they have been instructed not to do, it still amounts to a refusal of an instruction. (Tr., p. 102) Mr. Higgins testified he is not aware of any employees that were found insubordinate and not terminated. (Tr., p. 104)

Jared Lofland, the area manager over curing and final inspection in the bladder area, provided a sworn statement. (Ex. C) He stated Mr. Gulling's decision to pull Max from his job to get a statement from him was "the same thing we would do with anyone else" when there is "an insubordination, a safety issue, or what [defendant-employer] consider[s] a serious quality issue." (Ex. C, p. 1 [Tr., p. 4]) Mr. Lofland also agreed Max's behavior amounted to insubordination. (Ex. C, p. 2 [Tr., pp. 7-8]) Although Mr. Lofland did not make the specific decision to terminate Max, he agreed termination was appropriate under the circumstances. (Ex. C, p. 3 [Tr., pp. 8-10]) He confirmed he was not aware of any similarly situated employees who were treated differently than Max. (Ex. C, p. 4 [Tr., p. 15])

Mr. Peterson also stated Max's behavior amounted to an insubordination and that any other employee who had behaved in the same manner as Max would have been terminated. (Ex. E, p. 2 [Tr., p. 6])

James Funcheon, the human resources division manager who ultimately made the decision to terminate Max, provided a sworn statement as well. (Ex. F) He explained why Max was deemed insubordinate:

> If you tell somebody not to do it, specifically give them instructions not to do it and they do it anyway, then it's called insubordination, and in this case he was told multiple times, not just once, but told three – my understanding at least three times he was told, and each time he said he did not do it, and the facts bared out that he, in fact, did do it.

(Ex. F, p. 3 [Tr., p. 10])

Mr. Funcheon also explained that Max getting pulled off his line for a statement with a union representative present before the "cooling-off" period is standard procedure. (Ex. F, p. 3 [Tr., p. 11]) When asked whether Max was treated differently than any other employee would have been treated in these circumstances, Mr.

Funcheon stated, "No, he was – anybody that would have had the same situation would have been terminated." (Ex. F, p. 4 [Tr., p. 15])

Based on the consistent testimony and statements of Mr. Gulling, Mr. Higgins, Mr. Lofland, Mr. Peterson, and Mr. Funcheon, I find defendant-employer's reaction to Max's behavior of continually turning up the pressure after being specifically instructed not to was not unusual, unexpected, or extreme; instead, it appears finding Max insubordinate and ultimately terminating him after the "cooling off" period was consistent with how defendant-employer had previously handled similar situations with other employees. Because Max was not treated differently than other employees who acted similarly, I find Angela offered insufficient evidence to show that the stresses and tensions Max experienced leading up to his termination, when viewed objectively, were of a greater magnitude than the stresses and tensions that would be expected in a termination setting after an act of insubordination.

CONCLUSIONS OF LAW

Iowa Code section 85.16 provides that injuries are not compensable if they are due to an "employee's willful intent to injure the employee's self." Iowa Code § 85.16(1). The Iowa Supreme Court addressed the intersection between suicide and Iowa Code section 85.16(1) in Kostelac v. Feldman's Inc., 497 N.W.2d 853 (Iowa 1993).

In Kostelac, the decedent's wife claimed her husband's suicide "was the end result of a major depressive disorder brought on by his employment." 497 N.W.2d at 854. As a result, the court was required to review "under what circumstances, if any, suicide will trigger survivors' benefits." Id. at 855. At the time, the then-prevailing rule required the surviving spouse to prove the decedent was motivated by an "uncontrollable impulse" or "delirium of frenzy" at the time of the suicide. Id. at 856-57. The court, however, noted this rule had "generally been replaced as majority rule by a chain-of-causation test in which compensability turns upon proof that an employment-related injury caused the deranged mental state which, in turn, caused the suicide." Id. at 857.

Based on this shift, the court adopted the "chain-of-causation test," which requires "proof that but for an employment-related mental injury—however expressed—the employee would not have committed suicide." Id. In other words, suicide is compensable "upon proof of a chain of causation directly linking an employment injury to a workers' 'loss of normal judgment and domination by disturbance of the mind, causing the suicide.'" Id. The court emphasized that "the suicide must be traced directly to some injury arising out of and in the course of employment." Id. In other words, the suicide itself cannot be the work-related injury; instead, there must be a preceding work-related injury that leads to a loss of normal judgment and disturbance of the mind, which, in turn, leads to suicide. See id.

The court took the chain-of-causation test one step further in Humboldt Community Schools v. Fleming, 603 N.W.2d 759 (Iowa 1999), when the court

recognized a mental/mental injury as the preceding work-related injury that led to the employee's suicide. In Humboldt, the Iowa Supreme Court affirmed the agency's determination that the claimant's depression arose out of and in the course of his employment and that his work-related depression led to his suicide. 603 N.W.2d at 761, 763-65.

Applied to the instant case, Angela must provide Max suffered from a work-related mental condition to which Max's suicide can be directly traced. Kostelac, 497 N.W.2d at 857; see Humboldt, 603 N.W.2d at 763. Thus, the first issue that must be addressed is whether Angela satisfied her burden to prove Max sustained a work-related mental/mental injury.

In Dunlavey v. Economy Fire and Casualty Company, 526 N.W.2d 845 (Iowa 1995), the Iowa Supreme Court recognized pure nontraumatic mental injuries are compensable so long as an employee satisfies his burden to prove medical causation and legal causation.

To establish medical causation, the employee must show his mental condition is causally related to stresses and tensions arising from his work environment and employment. Id. at 853. If medical causation is resolved in favor of the employee, legal causation is examined.

I found Angela offered insufficient evidence for me to find that Max's mental condition was caused or aggravated by stresses and tensions arising from his work environment or termination. While Dr. Gallagher opined that Max's suicide was caused by his termination, he offered no opinion on the issue of whether Max's termination caused a mental injury or aggravated a mental condition that, in turn, led to his suicide. Unlike in Fleming, for example, there was no psychiatric diagnosis for Max, such as depression or anxiety that preceded his suicide; instead, the only expert in the record opined that any such diagnosis would be "speculative." (JE 3, p. 6)

The court in Kostelac indicated the suicide itself cannot be the injury: "We now join he majority of jurisdictions who permit recovery . . . upon proof of a chain of causation directly linking an employment injury to a worker's 'loss of normal judgment and domination by a disturbance of the mind, causing the suicide.'" Kostelac, 497 N.W.2d at 857 (emphasis added) (also noting "the suicide must be traced directly to some injury arising out of and in the course of employment"). In other words, there must be a work-related injury that precedes and leads to the suicide. See id. Angela continually overlooks this condition precedent in her post-hearing brief. In this case, there is simply no medical opinion in the record to support Angela's assertion that Max's work or termination caused a mental injury or aggravated a mental condition that, in turn, caused his suicide. I therefore conclude Angela did not satisfy her burden to prove medical causation.

However, assuming for purposes of argument that Angela successfully proved medical causation, she must also satisfy her burden to prove legal causation before she

can establish Max's mental injuries arose out of and in the course of his employment. Legal causation involves a determination of whether the work stresses experienced by the employee, when viewed objectively and not as the employee perceived them, were of greater magnitude than the day-to-day mental stresses experienced by workers in the same or similar jobs, regardless of their employer. Dunlavey, 526 N.W.2d at 855-57. The employee has the burden to establish the requisite legal causation. Id. at 857. Evidence of stresses experienced by workers with similar jobs employed by a different employer is relevant; evidence of the stresses of other workers employed by the same employer in the same or similar jobs will usually be most persuasive and determinative on the issue. Id. at 858.

Angela does not argue the day-to-day stresses of Max's job caused his suicide. Instead, she blames his termination and nothing else. In this sense, she essentially concedes she cannot carry her burden under a strict application of the Dunlavey test when only day-to-day stresses are considered.

She acknowledges there is no case law to support her argument that a termination can give rise to a mental injury claim. Because there is no case law that addresses terminations in this setting, I acknowledge the Dunlavey test, which focuses on day-to-day mental stresses, is not a perfect fit. However, the spirit of the "unusual stress" test adopted by the court in Dunlavey is to determine whether the "work stress suffered is unusual" by "comparing the stresses endured by similarly situated employees." Id. at 856-857 (emphasis added). Applied to the present case, it seems appropriate to consider whether the stress caused by Max's termination was unusual by comparing the stresses endured by other employees who, like Max, were terminated for insubordination.

Neither party offered evidence from any terminated employees of defendant-employer. Instead, they only offered evidence from individuals in supervisory roles who are familiar with the disciplinary policies of defendant-employer and the handling of prior incidents of insubordination and terminations. Based on the testimony and statements of those individuals, I found Max was not treated differently in the disciplinary process than other employees who acted similarly. As such, I found Angela offered insufficient evidence to show that the stresses and tensions Max experienced leading up to his termination, when viewed objectively, were of a greater magnitude than the stresses that would be expected in a termination setting after an act of insubordination.

I acknowledge Dr. Gallagher's report is riddled with references to Max's perception of the termination. (See JE 3, p. 6) However, the court in Dunlavey specifically rejected tests that consider the subjective perception of the injured worker. See id. at 856. The court instead adopted "an objective standard of legal causation." Id. at 858. Thus, while Max may have perceived the termination as catastrophic, Max's perception is irrelevant to the determination of legal causation.

I have no doubt that there are significant stressors associated with being terminated, but Angela provided insufficient evidence to show that the circumstances

surrounding Max's termination led to stresses higher than those experienced by other employees who were terminated under similar pretenses. I therefore conclude Angela did not satisfy her burden to prove legal causation under the Dunlavey test. Thus, I conclude Angela did not satisfy her burden to prove Max sustained a mental/mental injury under the Dunlavey standard.

After Dunlavey, the Iowa Supreme Court adopted an alternative test for mental/mental injuries when the claimed injures result from sudden, traumatic, or unexpected events. In Brown v. Quik Trip Corp., 641 N.W.2d 725, 728 (Iowa 2002), the Iowa Supreme Court held that "the proof of legal causation for recovery under a mental/mental injury does not require evidence of stress experienced by similarly situated workers if the event or events giving rise to the claim" result from a sudden traumatic event. The court stated, "When a claim is based on a manifest happening of a sudden traumatic nature from an unexpected cause or unusual strain, the legal causation test is met irrespective of the absence of similar stress on other employees." Id. at 729. The court noted that the legal standard is met when the events "were sudden, traumatic, and unexpected." Id.

However, I conclude the circumstances in the instant case do not rise to the sudden, traumatic, or unexpected nature that was contemplated by the court in Brown or by this agency in subsequent cases. See id. at 726-27 (holding convenience store worker being victim of two robberies satisfied the Brown standard); Everhart v. Clarinda Correctional Facility, File No. 5007651 (App. Sept. 30, 2005) (holding prison guard being "placed at risk of contracting a fatal communicable disease from being spat upon by a person potentially infected with the HIV virus" satisfied the Brown standard because claimant reasonably believed his life was at risk); Christensen v. Pottawattamie County, File No. 5051440 (Arb. March 23, 2017) (holding prison guard's observation of a suicide attempt, which left the cell and his co-workers covered in blood, satisfied the Brown standard).

Generally speaking, it is unclear to me how a termination after an act of insubordination could be deemed "unexpected." In this case specifically, Max was aware that being terminated was a real possibility several days earlier when he was escorted out of the facility. Because Max had several days of notice, I likewise cannot conclude the termination was "sudden."

For these reasons, I conclude the circumstances alleged to have caused Max's mental injures were not traumatic or from an unexpected cause or unusual strain and simply do not rise to the standard set out in Brown and subsequent cases. I therefore conclude Angela did not carry her burden to prove Max sustained a mental/mental injury under the Brown standard.

Without an injury that arose out of and in the course of Max's employment, there is no work-related nexus to which Max's suicide can be traced. Kostelac, 497 N.W.2d at 857. Said differently, without sufficient evidence of a work-related injury, Angela cannot show that "but for an employment-related mental injury" Max would not have

committed suicide. Id. I therefore conclude Angela did not carry her burden to show Max's suicide is compensable under the chain-of-causation test. This conclusion renders the remaining disputed issues moot.

This is an extremely unfortunate case, and I am sympathetic to Angela, her son, and the rest of the Jackson family for their unfortunate loss. I also acknowledge my decision leaves Angela without any supplemental income from her husband, which was income on which she relied for the last several decades. However, Iowa Code section 85.16(1) makes it clear that an employee's willful intent to injure himself is generally not compensable, and the test for compensability of suicide, as set forth by the Iowa Supreme Court, is both specific and limiting. Even after granting Angela every assumption and construing every supposition in her favor, I conclude there is no avenue under which she can recover.

ORDER

THEREFORE, IT IS ORDERED:

Claimant shall take nothing.

The parties shall bear their own costs.

Signed and filed this 8th day of March, 2019.

STEPHANIE J. COPLEY
DEPUTY WORKERS'
COMPENSATION COMMISSIONER

Copies to:

Mark Hedberg
Attorney at Law
100 Court Ave., Ste. 425
Des Moines, IA 50309
mark@hedberglaw.com

Timothy W. Wegman
Attorney at Law
6800 Lake Dr., Ste. 125
West Des Moines, IA 50266
tim@peddicord.law

SJC/sam

Right to Appeal: This decision shall become final unless you or another interested party appeals within 20 days from the date above, pursuant to rule 876-4.27 (17A, 86) of the Iowa Administrative Code. The notice of appeal must be in writing and received by the commissioner's office within 20 days from the date of the decision. The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday. The notice of appeal must be filed at the following address: Workers' Compensation Commissioner, Iowa Division of Workers' Compensation, 1000 E. Grand Avenue, Des Moines, Iowa 50319-0209.