

## BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

DEBBIE BOBHOLZ,

Claimant,

vs.

GENUINE PARTS COMPANY d/b/a  
NAPA,

Employer,

and

SAFETY NATIONAL CASUALTY CORP. :

Insurance Carrier,  
Defendants. :

File No. 5067997.01

A P P E A L

D E C I S I O N

Head Notes: 1402.20; 1402.20; 1402.30;  
1801;1803; 2501; 2502;  
2907; 4000.2; 5-9998

Claimant Debbie Bobholz appeals from an arbitration decision filed on June 16, 2021. Defendants Genuine Parts Company d/b/a NAPA, employer, and its insurer, Safety National Casualty Corp., cross-appeal. The case was heard on March 29, 2021, and it was considered fully submitted in front of the deputy workers' compensation commissioner on April 16, 2021.

In the arbitration decision, the deputy commissioner found claimant carried her burden of proof to establish she sustained an injury on February 27, 2019, that arose out of and in the course of her employment with defendant-employer. The deputy commissioner found claimant sustained a temporary injury only, which entitles claimant to receive temporary total disability (TTD) benefits from March 22, 2019, through July 22, 2019. The deputy commissioner found claimant is not entitled to receive additional TTD benefits from July 23, 2019, through January 22, 2020, as alleged. Because the deputy commissioner found claimant sustained only a temporary injury, the deputy commissioner found claimant is not entitled to receive any permanent disability benefits for the work injury. The deputy commissioner found claimant is entitled to receive penalty benefits from defendants in the amount of \$4,000.00 because defendants failed to conduct a reasonable investigation of the claim and because defendants failed to timely pay TTD benefits. The deputy commissioner found defendants are responsible to pay for claimant's causally related medical expenses incurred through January 22, 2020, itemized in claimant's Exhibit 5. The deputy commissioner found that pursuant to Iowa Code section 85.39, claimant is entitled to receive reimbursement from defendants for the cost of the independent medical evaluation (IME) of claimant performed by Sunil

Bansal, M.D. The deputy commissioner ordered defendants to pay claimant's costs of the arbitration proceeding in the amount of \$113.80.

Claimant asserts on appeal that the deputy commissioner erred in finding claimant sustained a temporary injury only and in failing to award claimant permanent disability benefits. Claimant asserts the deputy commissioner erred in failing to award claimant additional TTD benefits from July 23, 2019, through January 22, 2020.

Defendants assert on cross-appeal that the deputy commissioner erred in finding claimant was credible as to her description of how the alleged work injury occurred and in finding claimant sustained a compensable work injury as alleged. Defendants assert the deputy commissioner erred in finding claimant is entitled to receive TTD benefits from March 22, 2019, through July 22, 2019. Defendants assert the deputy commissioner erred in finding claimant is entitled to receive penalty benefits. Defendants assert the deputy commissioner erred in awarding medical expenses, IME reimbursement, and costs to claimant.

Those portions of the proposed arbitration decision pertaining to issues not raised on appeal are adopted as a part of this appeal decision.

I have performed a de novo review of the evidentiary record and the detailed arguments of the parties, and 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 June 16, 2021, which relate to the issues properly raised on intra-agency appeal.

I find the deputy commissioner provided a well-reasoned analysis of all 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 was credible as to her description of how the alleged injury occurred and in finding claimant sustained a compensable work injury on February 27, 2019, as alleged. I affirm the deputy commissioner's finding that claimant is entitled to receive TTD benefits from March 22, 2019, through July 22, 2019, and I affirm the deputy commissioner's finding that claimant is not entitled to receive additional TTD benefits from July 23, 2019, through January 22, 2020. I affirm the deputy commissioner's finding that claimant sustained a temporary injury only, and I affirm the deputy commissioner's finding that claimant is not entitled to receive any permanent disability benefits for the work injury. I affirm the deputy commissioner's finding that claimant is entitled to receive penalty benefits from defendants in the amount of \$4,000.00 for defendant's failure to conduct a reasonable investigation of the claim, and for defendant's failure to timely pay TTD benefits. I affirm the deputy commissioner's finding that defendants are responsible to pay for claimant's

causally related medical expenses incurred through January 22, 2020, itemized in claimant's Exhibit 5. I affirm the deputy commissioner's finding that pursuant to Iowa Code section 85.39, claimant is entitled to receive reimbursement from defendants for the cost of Dr. Bansal's IME. I affirm the deputy commissioner's order that defendants pay claimant's costs of the arbitration proceeding in the amount of \$113.80.

I affirm the deputy commissioner's findings, conclusions and analysis regarding the above-stated issues.

#### ORDER

IT IS THEREFORE ORDERED that the arbitration decision filed on June 16, 2021, is affirmed in its entirety

Defendants shall pay claimant temporary total disability (TTD) benefits from March 22, 2019, through July 22, 2019, at the stipulated weekly rate of four hundred eighty-seven and 42/100 dollars (\$487.42).

Defendants shall receive a credit as set forth in the stipulation in the hearing report.

Defendants shall pay claimant penalty benefits in the amount of four thousand and 00/100 dollars (\$4,000.00).

Defendants shall pay accrued weekly benefits in a lump sum together with interest at an annual rate equal to the one-year treasury constant maturity published by the federal reserve in the most recent H15 report settled as of the date of injury, plus two percent.

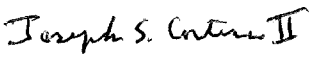
Defendants shall pay directly, reimburse claimant for any out-of-pocket expenses, or otherwise satisfy and hold claimant harmless for the past medical expenses incurred through January 22, 2020, itemized in Claimant's Exhibit 5.

Defendants shall reimburse claimant for the cost of Dr. Bansal's IME.

Pursuant to rule 876 IAC 4.33, defendants shall pay claimant's costs of the arbitration proceeding in the amount of one hundred thirteen and 80/100 dollars (\$113.80), and the parties shall split the costs of the appeal, including the cost of the hearing transcript.

Pursuant to rule 876 IAC 3.1(2), defendants shall file subsequent reports of injury as required by this agency.

Signed and filed on this 10<sup>th</sup> day of November, 2021.

  
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JOSEPH S. CORTESE II  
WORKERS' COMPENSATION  
COMMISSIONER

The parties have been served as follows:

David Drake (via WCES)

Aaron Oliver (via WCES)