

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

SCOTT BOUCHER,

Claimant,

vs.

POLK COUNTY SHERIFF'S
DEPARTMENT,

Employer,
Self-Insured,
Defendant.

File No. 5040772

A P P E A L

D E C I S I O N

Head Note No.: 1803

FILED

FEB 18 2015

WORKERS' COMPENSATION

Defendant Polk County Sheriff's Department appeals from an arbitration decision filed February 5, 2014. The case was heard on August 28, 2013, and it was considered fully submitted on October 18, 2013, in front of Deputy Workers' Compensation Commissioner Erica J. Fitch. On November 21, 2013, this matter was delegated to Deputy Workers' Compensation Commissioner Jennifer S. Gerrish-Lampe, who then issued the arbitration decision on February 5, 2014. The deputy awarded claimant 40 weeks of permanent partial disability benefits and reimbursement for costs. Defendant asserts on appeal that the evidence in this matter does not support the award of permanent partial disability benefits because claimant failed to prove that the admitted work injury caused a permanent worsening of a pre-existing condition. Claimant asserts that the findings of the deputy should be affirmed on appeal. The detailed arguments of the parties have been considered and the record of evidence has been reviewed de novo.

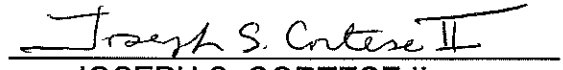
Pursuant to Iowa Code sections 86.24 and 17A.5, I affirm and adopt as the final agency decision those portions of the proposed arbitration decision filed on February 5, 2014, that relate to issues properly raised on intra-agency appeal without additional comment.

ORDER

IT IS THEREFORE ORDERED that the arbitration decision of February 5, 2014, is AFFIRMED.

Defendant shall pay the costs of the appeal, including the preparation of the hearing transcript.

Signed and filed this 18th day of February, 2015.



JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

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