

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

RHONDA K. STARR,

Claimant,

vs.

BEE LINE COMPANY,

Employer,

and

TRAVELERS PROPERTY CASUALTY
COMPANY OF AMERICA,

Insurance Carrier,
Defendants.

FILED

AUG 22 2016

WORKERS' COMPENSATION

File No. 5046190

A P P E A L

D E C I S I O N

Head Note Nos: 1803; 2500; 2700; 5-9998

Defendants Bee Line Company, employer, and its insurer, Travelers Property Casualty Company of America, appeal from an arbitration decision filed on April 21, 2015. Claimant Rhonda K. Starr responds to the appeal. The case was heard on October 2, 2014, and it was considered fully submitted in front of the deputy workers' compensation commissioner on November 5, 2014.

The deputy commissioner found claimant carried her burden of proof that she sustained permanent disability resulting from an injury arising out of and in the course of her employment on December 7, 2012. The deputy commissioner awarded claimant 40 percent industrial disability, which entitles claimant to 200 weeks of permanent partial disability (PPD) benefits. The deputy commissioner ordered defendants to pay past medical expenses itemized in Exhibit 2. The deputy commissioner ordered defendants to provide ongoing medical care for claimant for the work injury. The deputy commissioner ordered defendants to reimburse claimant for the cost of the independent medical evaluation (IME) performed by Robert Neiman, M.D.

Defendants assert on appeal that the deputy commissioner erred in finding claimant carried her burden of proof that she sustained permanent disability resulting from the December 7, 2012, work injury. Defendants assert the deputy commissioner erred in awarding industrial disability benefits. Defendants assert the deputy commissioner erred in awarding past medical expenses, ongoing medical care, Dr. Neiman's IME fee and claimant's costs.

Claimant asserts 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 April 21, 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 sustained permanent disability resulting from the work injury of December 7, 2012. I affirm the deputy commissioner's award of 40 percent industrial disability, which entitles claimant to 200 weeks of PPD benefits. I affirm the deputy commissioner's award of past medical expenses itemized in Exhibit 2, ongoing medical care, Dr. Neiman's IME fee and claimant's costs. I affirm the deputy commissioner's findings, conclusions and analysis regarding those issues.

ORDER

IT IS THEREFORE ORDERED that the arbitration decision of April 21, 2015, is affirmed in its entirety.

Defendants shall pay claimant two hundred (200) weeks of permanent partial disability benefits commencing February 22, 2013, at the rate of four hundred nine and 73/100 dollars (\$409.73) per week.

Defendants shall pay all accrued weekly benefits in a lump sum with applicable interest pursuant to Iowa Code section 85.30.

Defendants shall pay the medical expenses itemized in Exhibit 2. Any expenses claimant paid out of pocket shall be reimbursed directly to her.

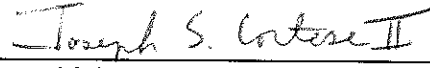
Defendants shall provide ongoing medical care to claimant for the work injury.

Defendants shall pay the expense of Dr. Neiman's IME.

Pursuant to rule 876 IAC 4.33, defendants shall pay claimant's costs of the arbitration proceeding and defendants shall pay the costs of the appeal, including the cost of the hearing transcript.

Defendants shall file subsequent reports of injury (SROI) as required by this agency.

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



JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

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