

## BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

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 PARKER ANDERSON,

Claimant,

vs.

CUMULUS MEDIA INC.,

Employer,

and

AMERICAN ZURICH INS. CO.,

Insurance Carrier,  
Defendants.

File No. 19700094.01

A P P E A L

D E C I S I O N

 Headnotes: 1108.20; 1108.50; 1402.20;  
1402.30; 1402.40; 1402.60;  
1802; 1803; 2204; 2502;  
2701; 2907; 5-9998
 

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Claimant Parker Anderson appeals from an arbitration decision filed on December 2, 2020. Defendants Cumulus Media, Inc. employer, and its insurer, American Zurich Ins. Co., respond to the appeal. The case was heard on October 20, 2020, and it was considered fully submitted in front of the deputy workers' compensation commissioner on November 13, 2020.

In the arbitration decision, the deputy commissioner found claimant failed to meet his burden of proof to establish he sustained a work-related injury because claimant failed to prove he sustained a material aggravation of his pre-existing anxiety condition as a result of an altercation involving claimant and his supervisor which occurred in the workplace on July 31, 2018. The deputy commissioner found because claimant failed to prove causation and compensability, all other issues raised in this matter are rendered moot, including whether defendants proved their 90-day notice defense, whether claimant is entitled to receive temporary and permanent disability benefits, whether claimant is entitled to alternate medical care, and whether claimant is entitled to receive reimbursement from defendants for the cost of his independent medical evaluation (IME) with James Gallagher, M.D. The deputy commissioner ordered the parties to pay their own costs of the arbitration proceeding.

Claimant asserts on appeal that the deputy commissioner erred in finding claimant failed to prove he sustained a work-related injury as alleged. Claimant asserts the deputy commissioner erred in failing to find claimant is entitled to receive temporary disability benefits, permanent disability benefits, alternate medical care and reimbursement for Dr. Gallagher's IME. Claimant also asserts his costs of the arbitration proceeding should be taxed against defendants.

Defendants assert on appeal 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.

I performed a de novo review of the evidentiary record and the detailed arguments of the parties. Pursuant to Iowa Code sections 17A.15 and 86.24, I affirm and adopt as the final agency decision those portions of the proposed arbitration decision filed on December 2, 2020, which relate to the issues properly raised on intra-agency appeal.

I find the deputy commissioner provided a well-reasoned analysis of all 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 failed to prove he sustained a work-related injury because I affirm the deputy commissioner's finding that claimant failed to prove he sustained an injury as result of the July 31, 2018, altercation. I affirm the deputy commissioner's finding that because claimant failed to prove causation and compensability, all other issues raised in this matter are rendered moot. I affirm the deputy commissioner's order that the parties pay their own costs of the arbitration proceeding.

I affirm the deputy commissioner's findings, conclusions and analysis regarding those issues.

ORDER

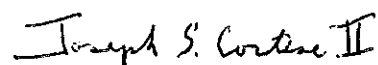
IT IS THEREFORE ORDERED that the arbitration decision filed on December 2, 2020, is affirmed in its entirety.

Claimant shall take nothing from these proceedings.

Pursuant to rule 876 IAC 4.33, the parties shall pay their own costs of the arbitration proceeding, and claimant shall pay the costs of the appeal, including the cost of the hearing transcript.

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

Signed and filed on this 18<sup>th</sup> day of March, 2021.



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JOSEPH S. CORTESE II  
WORKERS' COMPENSATION  
COMMISSIONER

The parties have been served as follows:

Robert Gainer (via WCES)

Jason Kidd (via WCES)

Garrett Lutovsky (via WCES)