

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

SUZETTE SCALES,

Claimant,

vs.

CRST EXPEDITED, INC.,

Employer,

and

LIBERTY MUTUAL,

Insurance Carrier,
Defendants.

FILED

MAY 25 2016

WORKERS COMPENSATION

File No. 5049482

RULING

ON MOTION TO RECONSIDER

An arbitration decision was issued on April 29, 2016, which provides, in part, "Defendants shall pay the medical bills set forth in Exhibit 13, totaling forty-six thousand, seven hundred ninety and 76/100 dollars (\$46,790.76)." Defendants filed a Motion for Reconsideration and Clarification Prior to Appeal to Commissioner on May 6, 2016, asserting the claimant failed to meet her burden of proof that her medical expenses are causally related to the work injury. Claimant filed a resistance on May 13, 2016, noting that following the defendants' denial of liability in May 2014, the claimant continued to seek treatment on her own for her conditions, and that the treatment with the providers in Exhibit 13 was for treatment of her physical or mental health symptoms associated with her August 12, 2012 work injury and its sequela. Defendants filed a reply on May 20, 2016.

Having considered the arguments of the parties, the motion should be granted, in part. Defendants are only responsible for all causally connected medical expenses.

ORDER


THEREFORE, IT IS ORDERED:

The April 29, 2016 Arbitration Decision shall be modified as follows:

The language under Section III, "Alternate Medical Care and Payment of Medical Expenses," which provides, "Thus, CRST and Liberty Mutual are liable for Scales's medical expenses to treat her mental health sequelae, including the expenses set forth in Exhibit 13" shall be modified to "CRST and Liberty Mutual are liable for all causally related medical expenses, as set forth in Exhibit 13."

The language under the Order, which provides, "Defendants shall pay the medical bills set forth in Exhibit 13, totaling forty-six thousand, seven hundred ninety and 76/100 dollars (\$46,790.76)" shall be modified to "Defendants shall pay all causally connected medical expenses, as set forth in Exhibit 13." The decision shall remain the same in all other respects.

Signed and filed this 25th day of May, 2016.


HEATHER L. PALMER
DEPUTY WORKERS'
COMPENSATION COMMISSIONER

Copies to:

Daniel J. Anderson
Attorney at Law
PO Box 849
Cedar Rapids, IA 52402
danderson@wertzlaw.com

Chris J. Scheldrup
Attorney at Law
PO Box 36
Cedar Rapids, IA 52406-0036
cscheldrup@scheldruplaw.com

HLP/srs