

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

PAUL HEFLEY,

Claimant,

vs.

FEVOLD FARM SERVICE,

Employer,

and

GRINNELL MUTUAL,

Insurance Carrier,
Defendants.

File No. 20700470.01

A P P E A L

D E C I S I O N

Head Notes: 1402.10; 1402.60, 2001;
2501; 2502; 2907; 5-9998

Claimant Paul Hefley appeals from an arbitration decision filed on October 8, 2021, and from a ruling on motion for rehearing filed on October 29, 2021. Defendants Fevold Farm Service (FFS), alleged employer, and its insurer, Grinnell Mutual, respond to the appeal. The case was heard on April 5, 2021, and it was considered fully submitted in front of the deputy workers' compensation commissioner on April 30, 2021.

In the arbitration decision and in the ruling on motion for rehearing, the deputy commissioner found claimant failed to meet his burden of proof to establish that an employer-employee relationship existed between claimant and FFS on October 23, 2018, the date of the alleged injury. The deputy commissioner found the remaining issues are moot and he found the claim for benefits should be dismissed with prejudice without an award of benefits against defendants. The deputy commissioner found because claimant failed to establish a compensable claim against FFS, claimant's request for costs should be denied. The deputy commissioner found the cost of the hearing transcript should be assessed against claimant.

Claimant alleges on appeal that the deputy commissioner erred in finding ECF Trucking was claimant's employer at the time of the alleged injury and not FFS. Claimant alleges it should be found on appeal that he is entitled to recover industrial disability benefits from defendants, along with past requested medical expenses, and costs, including the cost of the independent medical examination.

Defendants assert on appeal that the arbitration decision and the ruling on motion for rehearing should be affirmed in their entirety.

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 October 8, 2021, and the ruling on motion for rehearing filed on October 29, 2021, 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 an employer-employee relationship existed between claimant and FFS on October 23, 2018, the alleged date of injury. I affirm the deputy commissioner's finding that the remaining issues are moot and that the claim for benefits should be dismissed with prejudice without an award of benefits against defendants. I affirm the deputy commissioner's finding that claimant's request for costs should be denied. I affirm the deputy commissioner's finding that the cost of the hearing transcript should be assessed against claimant.

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

ORDER

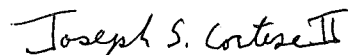
IT IS THEREFORE ORDERED that the arbitration decision filed on October 8, 2021, and the ruling on motion for rehearing filed on October 29, 2021, are affirmed in their entirety.

Claimant shall take nothing from these proceedings.

Claimant shall reimburse defendants for the cost of the hearing transcript as a cost pursuant to 876 IAC 4.33(2).

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 26th day of April, 2022.



JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

The parties have been served as follows:

Janece Valentine (via WCES)

Stephen Spencer (via WCES)