

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

LINDIE M. HUNTER,

Claimant,

vs.

LAN SILVER PINES, LLC,

Employer,

and

AMERICAN COMPENSATION
INSURANCE COMPANY,Insurance Carrier,
Defendants.

File No. 1656860.01

A P P E A L
D E C I S I O N

LINDIE HUNTER,

Claimant,

vs.

SENIOR HOUSING MANAGEMENT,

Employer,

and

ARGENT,

Insurance Carrier,
Defendants.

File No. 20700082.01

: Head Notes: 1402.30; 1402.40; 1803; 2501;
: 2907; 5-9998
:

Defendants in File No. 1656860.01, Lan Silver Pines, LLC, employer, and its insurer, American Compensation Insurance Company (hereinafter "Lan and American"), appeal from an arbitration decision filed on July 7, 2021. Claimant Lindie M. Hunter responds to the appeal in File No. 1656860.01. In File No 20700082.01, claimant appeals from the arbitration decision and defendants Senior Housing Management, employer, and its insurer, Argent (hereinafter Senior Housing and Argent), respond to claimant's appeal. The case was heard on January 14, 2021, and it was considered fully submitted in front of the deputy workers' compensation commissioner on February 22, 2021.

In the arbitration decision, in File No. 1656860.01, injury date of July 18, 2018, the deputy commissioner found the opinions of John Kuhnlein, D.O., to be most persuasive. The deputy commissioner adopted Dr. Kuhnlein's opinion that claimant's July 18, 2018, work injury while working for defendant Lan caused a cervical strain, a low back strain with intermittent radicular symptoms, and a right ankle/foot strain. The deputy commissioner likewise adopted Dr. Kuhnlein's permanent restrictions and his opinion that claimant sustained 12 percent whole body permanent impairment as a result of the cervical strain and the low back strain resulting from the work injury. The deputy commissioner then found claimant sustained 40 percent industrial disability, which entitles claimant to receive 200 weeks of permanent partial disability benefits starting on July 23, 2019. The deputy commissioner awarded claimant's causally related medical expenses and costs relating to the July 18, 2018, work injury.

In File No. 20700082.01, alleged injury date of October 15, 2018, the deputy commissioner found there was insufficient evidence to establish claimant sustained a work-related injury while working for Senior Housing.

In File No. 1656860.01, defendants Lan and American assert the deputy commissioner erred in adopting the opinions of Dr. Kuhnlein. Defendants Lan and American also assert the deputy commissioner erred in awarding industrial disability.

In File No. 1656860.01 claimant asserts on appeal that the arbitration decision should be affirmed in its entirety.

In File No. 20700082.01, claimant asserts on appeal that the deputy commissioner erred in finding claimant failed to prove she sustained a work-related injury while working for Senior Housing as alleged.

In File No 20700082.01, defendants Senior Housing and Argent assert on appeal that the arbitration decision should be affirmed in its 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 July 7, 2021, which relate to the issues properly raised on intra-agency appeal.

I find the deputy commissioner provided a well-reasoned analysis of all 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.

In File No. 1656860.01, I affirm the deputy commissioner's finding that Dr. Kuhnlein's opinions are most persuasive. I affirm the deputy commissioner's adoption

of Dr. Kuhnlein's opinions regarding causation, permanent impairment, and permanent restrictions. I affirm the deputy commissioner's finding that claimant sustained 40 percent industrial disability as a result of the July 18, 2018, work injury. I affirm the deputy commissioner's award of medical expenses and costs.

In File No. 20700082.01, I affirm the deputy commissioner's finding that claimant failed to prove she sustained a work-related injury on October 15, 2018, while working for Senior Housing.

I affirm the deputy commissioner's findings, conclusions and analysis regarding all of the above-stated issues in both files.

ORDER

IT IS THEREFORE ORDERED that the arbitration decision filed on July 7, 2021, is affirmed in its entirety.

File Number 1656860.01 – Injury Date of July 18, 2018:

Defendants Lan Silver Pines and American shall pay claimant two hundred (200) weeks of permanent partial disability benefits at the stipulated weekly rate of six hundred thirty and 82/100 dollars (\$630.82), commencing on the stipulated commencement date of July 23, 2019.

Defendants Lan Silver Pines and American shall receive credit for all benefits paid to date.

Defendants Lan Silver Pines and American shall pay accrued weekly benefits in a lump sum together with interest at an annual rate equal to the one-year treasury constant maturity published by the federal reserve in the most recent H15 report settled as of the date of injury, plus two percent.

Defendants Lan Silver Pines and American are responsible for all causally related medical bills as directed in the arbitration decision.

File Number 20700082.01 – Alleged Injury Date of October 15, 2008:

Claimant shall take nothing from these proceedings.

For Both Files:

Pursuant to rule 876 IAC 4.33, defendants Lan Silver Pines and American shall pay costs as set forth in the arbitration decision. Claimant and defendants Lan Silver

Pines and American shall split the costs of the appeal, including the cost of the hearing transcript.

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 14th day of December, 2021.

Joseph S. Cortese II

JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

The parties have been served as follows:

Thomas Wertz (via WCES)

Jason Kidd (via WCES)

James Ballard (via WCES)