BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

FILED
SEP 01 2017
WORKERS COMPENSATION

ZIAD KARADSHEH, Claimant, vs. SEARS HOLDING CORPORATION, Employer, and INDEMNITY INSURANCE COMPANY OF NORTH AMERICA, Insurance Carrier, Defendants.	File Nos. 5048050, 5048052 ARBITRATION DECISION Head Note Nos.: 1803, 1804

STATEMENT OF THE CASE

Ziad Karadsheh, claimant, filed petitions in arbitration seeking workers' compensation benefits from Sears Holding Corporation (Sears) and its insurer, Indemnity Insurance Company of North America, as a result of injuries he sustained on March 29, 2012 and October 16, 2013 that arose out of and in the course of his employment. This case was heard in Des Moines, Iowa and fully submitted on February 27, 2017. The evidence in this case consists of the testimony of claimant, Claimant's Exhibits 1 through 33 and Defendants' Exhibits A through G.

Both parties submitted briefs.

STIPULATIONS

The parties filed hearing reports at the commencement of the arbitration hearing. On the hearing reports, the parties entered into various stipulations. After the hearing, on February 15, 2017, the parties reached agreements for a number of disputed issues and filed a post-hearing stipulation containing additional stipulations. All of those stipulations were accepted and set forth below.

The parties agreed to the following;

For File No. 5048050 (Date of Injury March 29, 2012)

1. An employer/employee relationship existed on or about March 29, 2012.

2. Injury arose out of and in the course of employment with Employer.

3. Claimant sustained a disability to the shoulder qualifying him for industrial disability.

4. The Commencement date for permanent partial disability benefits is July 31, 2015.

5. Claimant's average weekly wage at the time of the injury was $1,207.79 with a corresponding compensation rate of $767.74.

6. All issues with regard to indemnity benefits (Temporary Total Disability/Healing Period; Temporary Partial Disability; and Permanent Partial Disability) up to time of hearing (October 28, 2016) that were due and owing have been resolved and are no longer in dispute. Thus, same is not at issue and there is no need for a finding in the Arbitration Decision regarding these issues.

7. Interest on said indemnity benefits up to time of hearing (October 28, 2016) have been resolved and are no longer in dispute. Thus, there is no need for a finding in the Arbitration Decision regarding these issues.

8. 86.13 penalties as a result of unpaid indemnity benefits up to time of hearing (October 28, 2016) have been resolved and are no longer in dispute. Thus, there is no need for a finding in the Arbitration Decision regarding these issues.

For File No. 5048052 (Date of Injury October 16, 2013)

1. An employer/employee relationship existed on or about October 16, 2013.

2. Injury arose out of and in the course of employment with Employer.

3. Claimant sustained a disability to the shoulder qualifying him for industrial disability.

4. The Commencement date for permanent partial disability benefits is July 31, 2015.

5. Claimant's average weekly wage at the time of the injury was $1,207.79 with a corresponding compensation rate of $767.74.

6. All issues with regard to indemnity benefits (Temporary Total Disability/Healing Period; Temporary Partial Disability; and Permanent Partial Disability) up to time of hearing (October 28, 2016) that were due and owing have been resolved and are no longer in the dispute. Thus, there is no need for a finding in the Arbitration Decision regarding these issues.

7. Interest on said indemnity benefits up to time of hearing (October 28, 2016) have been resolved and are no longer in dispute. Thus, there is no need for a finding in the Arbitration Decision regarding these issues.

8. 86.13 penalties as a result of unpaid indemnity benefits up to time of hearing (October 28, 2016) have been resolved and are no longer in dispute. Thus, there is no need for a finding in the Arbitration Decision regarding these issues.

ISSUES

For File No. 5048050 (Date of Injury March 29, 2012)

The extent of claimant's disability.

Whether claimant has proven he is totally permanently disabled.

Whether claimant has proven he is permanently and totally disabled under the "odd-lot" doctrine.

For File No. 5048052 (Date of Injury October 16, 2013)

The extent of claimant's disability.

Whether claimant has proven he is totally permanently disabled.

Whether claimant has proven he is permanently and totally disabled under the "odd-lot" doctrine.

FINDINGS OF FACT

The deputy workers' compensation commissioner, having heard the testimony and considered the evidence in the record, finds that:

Ziad Karadsheh, claimant, was 61 years old at the time of the hearing. (Transcript, page 22) Claimant did not graduate from high school. He went as far as the 11th grade. Claimant never obtained a GED. (Tr. p. 22) Claimant completed truck driving school, but he was unable to obtain work. (Tr. p. 24) Claimant went to a community college and completed course work in HVAC.

Claimant started working for Sears on May 14, 1984. (Tr. p. 24) He initially worked part-time as he was attending his HVAC program at this time. Claimant worked repairing appliances for Sears. He first worked in the shop at Sears. He was promoted to outside tech, where he would go to customer's homes to do repair work. (Tr. p. 26)

On March 29, 2015, claimant and a co-employee were at the house of a customer repairing a wall-mounted double oven. When he was returning the wall oven into the wall, it got stuck and he had to shove the oven back in the wall. It was then he was injured. (Tr. pp. 28, 29) At the time of his March 29, 2012 injury claimant was earning $25.69 per hour at Sears and would work 45 to 50 hours per week. (Tr. p. 26)

On October 16, 2013, claimant was working for a customer of Sears. He was attempting to move a refrigerator when he experienced pain in his back. (Tr. p. 30) Claimant drove himself to the hospital was provided a shot for his pain and referred to his physician. (Tr. p. 30)

Claimant testified that after his March 29, 2012 injury he generally worked and went to therapy and had some shots until his right rotator cuff and right carpal tunnel surgery on September 16, 2014. (Tr. p. 32) Claimant continued his regular work until about two weeks after the October 16, 2013 work injury. (Tr. p. 66) Claimant is right-handed. (Tr. p. 52) After surgery claimant returned to Sears and he was assigned work in a Sears mall store. He answered telephones and helped salespeople on the appliance floor. Claimant was no longer performing repairs in customers' homes. (Tr. 34) His pay was reduced from $25.60 per hour to $11.60 per hour. (Tr. p. 36) Claimant continued this type of work for Sears until April 29, 2016. Claimant testified that he did a good job of helping on the sales floor in the appliance department. (Tr. p. 71)

Claimant testified that he was requested to attend a meeting on April 29, 2016. His supervisor was present as well as Sandra Fleming via telephone. Claimant was informed his position was being eliminated as of noon that day and he would be contacted about being offered a different position with Sears and would be contacted within a couple of weeks. Claimant was not contacted within a couple of weeks. (Tr. p. 39) Claimant testified he did not receive a letter from Sears, which was dated August 10, 2016. Claimant testified that the area code on his phone was no longer 319, but had been changed to 563 many years ago. (Tr. p. 40; Exhibit 17, p. 7 of 24) Claimant testified that he tried to contact Sears by phone to check on his status, but was not able to talk anyone. (Tr. p. 41)

Counsel for claimant was sent the August 10, 2016 letter by defendants' counsel, which was received by his office, on August 22, 2016. (Ex. 16, p. 10 of 19; Ex. 16 Deposition Exhibit 3) Sears sent claimant a letter dated August 30, 2016 stating that since claimant did not respond to the prior letter, he was terminated. (Tr. p. 42) Claimant received unemployment. Claimant applied for employment. He applied for three jobs at Sears, cashier, appliance sales and home improvement. Claimant said

that when he applied for work at Sears he was offered selling appliances. (Tr. pp. 75, 76) Claimant determined that that job was outside of his restrictions, as he would have to move appliances. (Tr. p. 82) Claimant testified at the hearing he was offered a position with Sears as a salesman that would pay minimum wage of $6.00 per hour plus commissions. (Tr. p. 77) Claimant applied for a cashier position and was told it was not available. (Tr. p. 78) In his deposition claimant testified that he thought he could perform the work of a cashier, but it was not offered to him. (Ex. 18, page 7 of 18) He applied at Walmart, JCPenney, Kohl's, True Value, QC Auto, and Fareway and Schnucks grocery stores. (Tr. pp. 44- 46) Claimant also attended a workshop put on by Iowa Workforce Development.

Claimant said he cannot close his palm or fingers in his right hand or make a tight fist. (Tr. p. 50; Ex. 18, p. 9 of 18) Claimant said he still has pain in his shoulder and he cannot sleep on his shoulder and he has less strength. (Tr. p. 51) Claimant takes over-the-counter medication for his shoulder and back pain. He is not taking any prescription drugs. (Tr. p. 53)

On September 16, 2014, Suleman M. Hussain, M.D., performed surgery on claimant's right shoulder and right arm.

Dr. Hussain's postoperative diagnoses were,

> Extensive tear in the superior labrum. Glenohumeral compartment appeared to be intact. Inferior and posterior labrum were intact. Superior labrum was torn. He had evidence of biceps tenosynovitis. His articular rotator cuff appeared to be normal. In his subacromial space, he had extensive amounts of bursitis. He had a very low lying acromion. He did have evidence of a tear; full thickness, small, chronic tear of the anterior aspect of the supraspinatus tendon. Subscapularis appeared to be intact. AC joint was arthritic.
>
> Right carpal tunnel syndrome

(Ex. 10, p. 20; Ex.11, p. 22)

On May 7, 2015, Robert Milas, M.D., performed an independent medical examination (IME). Dr. Milas's impression was, "1) Right shoulder derangement. 2) Lumbar radiculopathy." (Ex. 7, p. 16) Dr. Milas, combining the shoulder and spine, found claimant had a 22 percent impairment to the whole person. (Ex. 7, p. 16) On April 21, 2016, Dr. Milas evaluated claimant for right carpal tunnel entrapment, which he causally related to claimant's 30+ years of appliance repair. (Ex. 9, p. 19)

On August 31, 2016, Richard Kreiter, M.D., performed an IME. (Ex. 3 & 4, pp. 5 – 8) Upon examination, Dr. Kreiter's impression was,

1. Adhesive capsulitis of the right shoulder with cuff repair, resection of the lateral clavicle biceps tenodesis, with labral debridement with occult anterior instability.

2. Lateral epicondylitis of the right elbow.

3. Post right carpal tunnel release, doing well.

(Ex. 3, p. 6) Dr. Kreiter opined the heavy lifting on March 29, 2013 permanently aggravated and accelerated a pre-existing condition in his right shoulder, which most likely originated in the 2009 truck rollover accident on black ice. (Ex. 4, p. 7)

Dr. Kreiter adopted the restrictions of the functional capacity evaluation (FCE) of July 7, 2015 which advised light/medium work with a 20 to 30 pound carry occasionally, 10 to 20 pounds frequently. Claimant would not be able to do overhead work with his right shoulder and must not lift with his arms to the side. (Ex. 4, p. 7) Dr. Kreiter recommended claimant obtain vocational rehabilitation or work at a bench level. (Ex. 4, p. 8)

Sandra Fleming testified via deposition. Ms. Fleming is the Territory HR Manager for the store claimant works in. (Ex.16, p. 3 of 19) Ms. Fleming put claimant on a workers' compensation leave of absence on April 29, 2016. Ms. Fleming knew claimant was answering the phone at Sears, but did not know that claimant was assisting the sales associates in the appliance department. (Ex.16, p. 6 of 19) Ms. Fleming received a copy of the August 10, 2016 letter to claimant offering positions at Sears in consultative sales in Home Improvement, sewing associate for Mattresses and a cashier in the Davenport store.

Michelle Mutchler testified via deposition. Ms. Mutchler works for Sears as a leave benefits consultant. Ms. Mutchler was tasked to communicate to claimant about job openings at Sears after he was put on leave on April 29, 2016. She tried to call claimant on August 10, 2016, but used an out of date area code. She generated the August 10, 2016 letter. The letter was sent regular mail and was sent by a third party administrator. (Ex. 17, p. 7 of 24) Ms. Mutchler issued the letter terminating claimant's employment on August 30, 2016, as she had no record that claimant responded to the August 10, 2016 letter. (Ex. 17, p. 8 of 24)

Claimant called Ms. Mutchler on September 8, 2016 and she returned his call on September 9, 2016. Ms. Mutchler said that that when she spoke to claimant she told him that the jobs available were part-time jobs and that he could apply for them. (Ex. 17, p. 9 of 24) The part-time positions could range from 0 to 29 hours a week: A computer would make the assignment of hours. Claimant called Ms. Mutchler on September 13, 2016 and she did not return his call. (Ex. 17, p. 10 of 24) The positions paid for these part-time jobs, sales in Home Improvement - $8.00 per hour plus commission, sewing associate for Mattresses - $7.80 per hour plus commission and

cashier – $7.25 per hour. (Ex. 17, p. 13 of 24) Ms. Mutchler said that with his restrictions claimant could not work as an in-home tech for Sears. (Ex. 17, p. 14 of 24)

On March 30, 2012, claimant was seen by Concentra for a shoulder injury at work on March 29, 2012. The assessment was,

1. Trapezius strain.

2. Shoulder strain. 840.9.

3. Shoulder pain. 719.41.

4. Arthritis.

(Ex. 1, p. 122) On April 2, 2012, claimant was assessed with bilateral shoulder pain with impingement and cervical pain referred to therapy for shoulder and cervical pain. (Ex. A, pp. 114, 117)

On April 30, 2012, Dr. Hussain's assessment was,

> I think Mr. Karadsheh has a biceps tenosynovitis and impingement syndrome of bilateral shoulders. Potentially he also may have overlap from a neck radicular issue.

(Ex. A, pp. 41, 42) Dr. Hussain retuned claimant to work with no restrictions on June 21, 2012. (Ex. A, p. 38) On November 14, 2012, Dr. Hussain discussed surgery including a right carpal tunnel surgery and right shoulder decompression. (Ex. A, p. 29) On December 28, 2012, Dr. Hussain's assessment was, "Impingement syndrome and supra labral tear, based on MRI imaging." (Ex. A, p. 24)

An EMG on November 5, 2012 of the right upper extremity was consistent with mild carpal tunnel syndrome. (Ex. A, p. 68)

On October 18, 2013, claimant was treated at Concentra for an injury of October 16, 2013 at work. Claimant was complaining of significant back pain after moving a refrigerator while at work. (Ex. A, p. 87) He was assessed with lumbar strain and SI joint strain. (Ex. A, p. 75)

On September 16, 2014, Dr. Hussain performed a right arthroscopic supraspinatus rotator cuff repair with resection of the distal clavicle, subpectoral tenodesis, and acromioplasty, as well as right carpal tunnel release. (Ex. 3, p. 6)

On July 7, 2015, claimant underwent an FCE. The FCE found claimant could perform light-medium work and recommended restrictions. The FCE provided, "This would allow Ziad to carry out activities with 20 to 35 lbs on an occasional basis, 10 to 20 lbs on a frequent basis and 5 to 10 lbs on a continuous basis." (Ex. 15, p. 28)

Dr. Hussain adopted these restrictions on July 31, 2015. (Ex. A, p. 3) On August 28, 2016, Dr. Hussain provided a 4 percent whole body impairment for claimant's shoulder and right upper extremity. (Ex. A, p. 1)

Claimant has limited educational background. He does not have a GED. He has a certificate in HVAC that allowed him to become an appliance repair man. His CDL was so long ago that it is of little vocational relevance[1].

I found the testimony of the claimant to be credible based upon his demeanor at the hearing. His body mannerism and his vocal responses were consistent on direct and cross-examination.

Claimant has been an appliance repairman for over 30 years. All of his relevant history consists of his work at Sears. Prior to this employment at Sears he did some factory and restaurant work. Claimant worked in an accommodated position at Sears after his surgery where he answered the phone and assisted sales persons and customers in the appliance department at Sears. Sears terminated claimant from that position after the management team realized he had permanent restrictions and was at MMI. Claimant was offered only part-time work by Sears with his hours being scheduled by the computer.

I find that claimant has proven that his March 29, 2012 work injury caused permanent disability. I find the injury of October 16, 2013 temporarily aggravated claimant's March 29, 2012 injury.

Considering claimant's age, educational background, employment history, permanent impairment, permanent restrictions, motivation, ability to retrain, as well as all other factors of industrial disability as outlined by the Iowa Supreme Court, I find that claimant has proven a 75 percent (75%) loss of future earning capacity as a result of the March 29, 2012 work injury.

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[1] While not controlling in this case, the Social Security Administration (SSA) defines past relevant work for the Social Security Disability programs. The SSA defines past relevant work is work that has been performed in the last 15 years.

20 CFR § 404.1560 (b).

(b) *Past relevant work.* We will first compare our assessment of your residual functional capacity with the physical and mental demands of your past relevant work. See § 404.1520(h) for an exception to this rule.

(1) *Definition of past relevant work.* Past relevant work is work that you have done within the past 15 years, that was substantial gainful activity, and that lasted long enough for you to learn to do it. (*See* § 404.1565(a).)

CONCLUSIONS OF LAW

The parties stipulate that claimant's injury should be compensated industrially if it caused permanent disability. (Hearing Report) Having found that claimant proved the March 29, 2012 work injury caused permanent disability, I must consider the extent of claimant's entitlement to permanent disability benefits.

Since claimant has an impairment to the body as a whole, an industrial disability has been sustained. Industrial disability was defined in Diederich v. Tri-City R. Co., 219 Iowa 587, 258 N.W. 899 (1935) as follows: "It is therefore plain that the legislature intended the term 'disability' to mean 'industrial disability' or loss of earning capacity and not a mere 'functional disability' to be computed in the terms of percentages of the total physical and mental ability of a normal man."

Functional impairment is an element to be considered in determining industrial disability which is the reduction of earning capacity, but consideration must also be given to the injured employee's age, education, qualifications, experience, motivation, loss of earnings, severity and situs of the injury, work restrictions, inability to engage in employment for which the employee is fitted and the employer's offer of work or failure to so offer. McSpadden v. Big Ben Coal Co., 288 N.W.2d 181 (Iowa 1980); Olson v. Goodyear Service Stores, 255 Iowa 1112, 125 N.W.2d 251 (1963); Barton v. Nevada Poultry Co., 253 Iowa 285, 110 N.W.2d 660 (1961).

Compensation for permanent partial disability shall begin at the termination of the healing period. Compensation shall be paid in relation to 500 weeks as the disability bears to the body as a whole. Section 85.34.

The focus of an industrial disability analysis is on the ability of the worker to be gainfully employed and rests on comparison of what the injured worker could earn before the injury with what the same person can earn after the injury. Second Injury Fund of Iowa v. Nelson, 544 N.W.2d 258, 266 (Iowa 1995), Anthes v. Anthes, 258 Iowa 260, 270, 139 N.W.2d 201, 208 (1965). Changes in actual earnings are a factor to be considered, but actual earnings are not synonymous with earning capacity. Bergquist v. MacKay Engines, Inc., 538 N.W.2d 655, 659 (Iowa App. 1995), Holmquist v. Volkswagen of America, Inc., 261 N.W.2d 516, 525, (Iowa App. 1977), 4-81 Larson's Workers' Compensation Law, §§ 81.01(1) and 81.03. The loss of earning capacity is not measured in a vacuum. Such personal characteristics as affect the worker's employability are considered. Ehlinger v. State, 237 N.W.2d 784, 792 (Iowa 1976). Loss of future earning capacity is measured by the employee's own ability to compete in the labor market.

There are no weighting guidelines that indicate how each of the factors is to be considered. Neither does a rating of functional impairment directly correlate to a degree of industrial disability to the body as a whole. In other words, there are no formulae which can be applied and then added up to determine the degree of industrial disability.

It therefore becomes necessary for the deputy or commissioner to draw upon prior experience as well as general and specialized knowledge to make the finding with regard to degree of industrial disability. See Christensen v. Hagen, Inc., Vol. 1 No. 3 Industrial Commissioner Decisions, 529 (App. March 26, 1985); Peterson v. Truck Haven Cafe, Inc., Vol. 1 No. 3 Industrial Commissioner Decisions, 654 (App. February 28, 1985).

Assessments of industrial disability involve a viewing of loss of earning capacity in terms of the injured workers' present ability to earn in the competitive labor market without regard to any accommodation furnished by one's present employer. Quaker Oats Co. v. Ciha, 552 N.W.2d 143, 158 (Iowa 1996); Thilges, 528 N.W.2d 614, 617. Ending a prior accommodation is not a change of condition warranting a review-reopening of a past settlement or award. U.S. West v. Overholser, 566 N.W.2d 873 (Iowa 1997). However, an employer's special accommodation for an injured worker can be factored into an award determination to the limited extent the work in the newly created job discloses that the worker has a discerned earning capacity. To qualify as discernible, employers must show that the new job is not just "make work" but is also available to the injured worker in the competitive market. Murillo v. Blackhawk Foundry, 571 N.W.2d 16 (Iowa 1997).

Total disability does not mean a state of absolute helplessness. Permanent total disability occurs where the injury wholly disables the employee from performing work that the employee's experience, training, education, intelligence, and physical capacities would otherwise permit the employee to perform. See McSpadden v. Big Ben Coal Co., 288 N.W.2d 181 (Iowa 1980); Diederich v. Tri-City R. Co., 219 Iowa 587, 258 N.W. 899 (1935).

A finding that claimant could perform some work despite claimant's physical and educational limitations does not foreclose a finding of permanent total disability, however. See Chamberlin v. Ralston Purina, File No. 661698 (App. October 1987); Eastman v. Westway Trading Corp., II Iowa Industrial Commissioner Report 134 (App. May 1982).

Defendants have argued that claimant has shown a lack of motivation in obtaining employment. I do not agree. Ms. Mutchler testified that the jobs available to claimant as of September 2016 were part-time jobs. Ms. Mutchler did not call claimant back when he left a message for her on September 13, 2016. Claimant has applied for a number of jobs and is looking for work within his restrictions. He was actively working for Sears when they terminated his work on April 29, 2016. He had a long history of work.

Claimant can no longer perform the work he has performed for over 30 years. He was offered, at best, part-time work with hours ranging from 0 to 29 hours per week. Claimant has applied at a number of other employers but was not able to obtain work. His age is not a positive factor. His education is not a positive factor. Claimant did not

graduate high school and has not obtained a GED. He did complete courses to obtain a commercial driver's license and HVAC license.

I previously found claimant has a 75 percent loss of earning capacity. I find that claimant has an industrial disability of 75 percent. This entitles claimant to 375 weeks of permanent partial disability benefits.

In Guyton v. Irving Jensen Co., 373 N.W.2d 101 (Iowa 1985), the Iowa court formally adopted the "odd-lot doctrine." Under that doctrine a worker becomes an odd-lot employee when an injury makes the worker incapable of obtaining employment in any well-known branch of the labor market. An odd-lot worker is thus totally disabled if the only services the worker can perform are "so limited in quality, dependability, or quantity that a reasonably stable market for them does not exist." Id., at 105.

Under the odd-lot doctrine, the burden of persuasion on the issue of industrial disability always remains with the worker. Nevertheless, when a worker makes a prima facie case of total disability by producing substantial evidence that the worker is not employable in the competitive labor market, the burden to produce evidence showing availability of suitable employment shifts to the employer. If the employer fails to produce such evidence and the trier of facts finds the worker does fall in the odd-lot category, the worker is entitled to a finding of total disability. Guyton, 373 N.W.2d at 106. Factors to be considered in determining whether a worker is an odd-lot employee include the worker's reasonable but unsuccessful effort to find steady employment, vocational or other expert evidence demonstrating suitable work is not available for the worker, the extent of the worker's physical impairment, intelligence, education, age, training, and potential for retraining. No factor is necessarily dispositive on the issue. Second Injury Fund of Iowa v. Nelson, 544 N.W.2d 258 (Iowa 1995). Even under the odd-lot doctrine, the trier of fact is free to determine the weight and credibility of evidence in determining whether the worker's burden of persuasion has been carried, and only in an exceptional case would evidence be sufficiently strong as to compel a finding of total disability as a matter of law. Guyton, 373 N.W.2d at 106.

While this is a close case, I find claimant has not proven he is an odd-lot employee. The evidence shows that claimant has the ability to work as a cashier. Dr. Kreiter thought that claimant could do some work. Claimant believes he can do some work. As such, claimant has not shown that he is unable to work in any well-known section of the labor market.

ORDER

For File No. 5048050 (Date of Injury March 29, 2012)

Defendants shall pay claimant three hundred seventy-five (375) weeks of permanent partial disability at the weekly rate of seven hundred sixty-seven and 74/100 dollars ($767.74) commencing on July 31, 2015.

Defendants shall pay costs allowed by 876 IAC 4.33.

Defendants shall pay accrued weekly benefits in a lump sum.

Defendants shall pay interest on unpaid weekly benefits awarded herein as set forth in Iowa Code section 85.30.

Defendants shall pay medical expenses as set forth in Claimant's Exhibit 15.

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

For File No. 5048052 (Date of Injury October 16, 2013)

Claimant shall take no additional benefits.

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

Signed and filed this 1st day of September, 2017.

JAMES F. ELLIOTT
DEPUTY WORKERS'
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Right to Appeal: This decision shall become final unless you or another interested party appeals within 20 days from the date above, pursuant to rule 876 4.27 (17A, 86) of the Iowa Administrative Code. The notice of appeal must be in writing and received by the commissioner's office within 20 days from the date of the decision. The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday. The notice of appeal must be filed at the following address: Workers' Compensation Commissioner, Iowa Division of Workers' Compensation, 1000 E. Grand Avenue, Des Moines, Iowa 50319-0209.