

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

PAUL BEYER,  
Claimant,

vs.

JOHN DEERE DUBUQUE WORKS OF  
DEERE & COMPANY,

Employer,  
Self-Insured,  
Defendant.

File No. 5051906

A P P E A L

D E C I S I O N

Head Note No: 1803

**FILED**

FEB -1 2018

WORKERS' COMPENSATION

Defendant John Deere Davenport Works, self-insured employer, appeals from an arbitration decision filed on June 20, 2016. Claimant Paul Beyer cross-appeals. The case was heard on March 22, 2016, and it was considered fully submitted in front of the deputy workers' compensation commissioner on April 22, 2016.

The deputy commissioner found claimant sustained 25 percent industrial disability, which entitles claimant to 125 weeks of permanent partial disability (PPD) benefits, as a result of the stipulated injury which arose out of and in the course of claimant's employment with defendant on April 10, 2013. The deputy commissioner also ordered defendant to pay claimant's costs of the arbitration proceeding.

Defendant asserts on appeal that the deputy commissioner erred in finding claimant sustained 25 percent industrial disability as a result of the work injury. Defendant asserts the deputy commissioner erred in awarding claimant anything more than four percent industrial disability, which would entitle claimant to 20 weeks of PPD benefits.

Claimant asserts on cross-appeal that the deputy commissioner erred in failing to award claimant 60 percent industrial disability, which would entitle claimant to 300 weeks of PPD benefits.

Those portions of the proposed agency decision pertaining to issues not raised on appeal are adopted as a part of this appeal decision.

Having performed a de novo review of the evidentiary record and the detailed arguments of the parties, 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 June 20, 2016, which relate to the issues properly raised on intra-agency appeal.

I find the deputy commissioner provided a well-reasoned analysis of the issues raised in the arbitration proceeding. I affirm the deputy commissioner's finding that claimant sustained 25 percent industrial disability as a result of the work injury, which entitles claimant to 125 weeks of PPD benefits commencing January 19, 2016. I also affirm the deputy commissioner's order that defendant pay claimant's costs of the arbitration proceeding. I affirm the deputy commissioner's findings, conclusions and analysis regarding those issues.

Some of the findings by the deputy commissioner in the arbitration decision were based on the deputy commissioner's findings regarding claimant's credibility. The deputy commissioner found claimant to be credible. Defendant asserts claimant was not credible. I find the deputy commissioner correctly assessed claimant's credibility. While I performed a de novo review, I give considerable deference to findings of fact which are impacted by the credibility findings, expressly or impliedly made, regarding claimant by the deputy commissioner who presided at the arbitration hearing. I find nothing in the record in this matter which would cause me to reverse the deputy commissioner's findings regarding claimant's credibility.

#### ORDER

IT IS THEREFORE ORDERED that the arbitration decision filed on June 20, 2016, is affirmed in its entirety.

Defendant shall pay claimant one hundred twenty-five (125) weeks of permanent partial disability benefits at the weekly rate of five hundred fifty-nine and 10/100 dollars (\$559.10) commencing January 19, 2016.

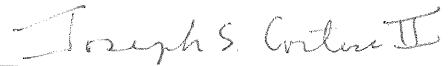
Defendant shall be given credit for benefits previously paid.

Defendant shall pay accrued weekly benefits in a lump sum together with interest pursuant to Iowa Code section 85.30.

Pursuant to rule 876 IAC 4.33, defendants shall pay claimant's costs of the arbitration proceeding, and the parties 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 this 1<sup>st</sup> day of February, 2018.



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JOSEPH S. CORTESE II  
WORKERS' COMPENSATION  
COMMISSIONER

Copies To:

Paul J. McAndrew  
Attorney at Law  
2771 Oakdale Blvd., Ste. 6  
Coralville, IA 52241-2781  
[paulm@paulmcandrew.com](mailto:paulm@paulmcandrew.com)

Arthur F. Gilloon  
Peter A. Kirkendall  
Attorneys at Law  
770 Main St.  
Dubuque, IA 52001  
[agilloon@dbqlaw.com](mailto:agilloon@dbqlaw.com)  
[pkirkendall@dbqlaw.com](mailto:pkirkendall@dbqlaw.com)