

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

AHMED ALDOORI,	:	
	:	
Claimant,	:	
	:	
vs.	:	File No. 5063037
	:	
HENRIKSEN CONTRACTING, LLC,	:	
	:	A P P E A L
Employer,	:	
	:	D E C I S I O N
and	:	
	:	
NATIONAL UNION FIRE INS. CO.	:	
OF PA,	:	Head Note Nos: 1108.50; 1402.40; 1803:
	:	2501; 2907; 5-9998
Insurance Carrier,	:	
Defendants.	:	

Claimant Ahmed Aldoori appeals from an arbitration decision filed on September 7, 2018. Defendants Henriksen Contracting, LLC, employer, and its insurer, National Union Fire Ins. Co. of PA, cross-appeal. The case was heard on June 26, 2018, and it was considered fully submitted in front of the deputy workers' compensation commissioner on July 13, 2018.

The deputy commissioner found claimant failed to carry his burden of proof to establish that he sustained permanent disability as a result of the stipulated August 12, 2016, work-related injury which arose out of and in the course of claimant's employment with defendant-employer. The deputy commissioner found claimant is entitled to receive nothing in the way of permanent partial disability benefits. The deputy commissioner found claimant is not entitled to receive reimbursement from defendants for the cost of the independent medical evaluation (IME) of claimant performed by Irving L. Wolfe, D.O., on October 25, 2017. The deputy commissioner found claimant is entitled to receive all ongoing reasonably necessary medical care claimant requires for the work injury. The deputy commissioner ordered the parties to pay their own costs of the arbitration proceeding.

Claimant asserts on appeal that the deputy commissioner erred in finding claimant failed to prove he sustained permanent disability as a result of the work injury. Claimant asserts the deputy commissioner erred in failing to award claimant industrial disability in the range of 25 percent to 30 percent. Claimant asserts the deputy

commissioner erred in finding claimant is not entitled to receive reimbursement from defendants for the cost of Dr. Wolfe's IME.

Defendants assert on cross-appeal that the deputy commissioner erred in finding claimant is entitled to receive ongoing medical treatment for the work injury.

Those portions of the proposed agency 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 September 7, 2018, 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.

I affirm the deputy commissioner's finding that claimant failed to carry his burden to prove he sustained permanent disability as a result of the work injury. I affirm the deputy commissioner's finding that claimant is entitled to receive nothing in the way of permanent partial disability benefits. I affirm the deputy commissioner's finding that claimant is not entitled to receive reimbursement from defendants for the cost of Dr. Wolfe's IME. I affirm the deputy commissioner's finding that claimant is entitled to receive all ongoing reasonably necessary medical care claimant requires for the work injury.

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 was not credible. Defendants assert that the deputy commissioner's finding that claimant was not credible should be affirmed on appeal. 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 the deputy commissioner correctly assessed claimant's credibility in this matter. I find nothing in the record in this matter which would cause me to reverse the deputy commissioner's finding that claimant was not credible.

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

ORDER

IT IS THEREFORE ORDERED that the arbitration decision filed on September 7, 2018, is affirmed in its entirety.

Claimant shall take no weekly benefits from these proceedings.

Defendants shall promptly provide all reasonable and necessary treatment required by claimant for the work injury.

Pursuant to rule 876 IAC 4.33, the parties shall pay their own 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 on this 22<sup>nd</sup> day of January, 2020.

*Joseph S. Cortese II*

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JOSEPH S. CORTESE II  
WORKERS' COMPENSATION  
COMMISSIONER

The parties have been served as follows:

Christopher D. Spaulding      Via WCES

Jean Z. Dickson                Via WCES