

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

BRANDON MEEK,

Claimant,

vs.

JOHN DEERE DAVENPORT WORKS,

Self-Insured Employer,

Defendant.

File No. 5029817

A P P E A L

D E C I S I O N

Head Note Nos: 3303.20; 5-9998

FILED

JUN 13 2018

WORKERS' COMPENSATION

Claimant Brandon Meek appeals from a ruling on petition for partial commutation filed on July 11, 2017. Defendant John Deere Davenport Works, self-insured employer, responds to the appeal. The case was heard on September 23, 2016, and it was considered fully submitted in front of the deputy workers' compensation commissioner on November 18, 2016.

In an arbitration decision filed in this matter on January 31, 2013, claimant was awarded permanent total disability benefits. The workers' compensation commissioner affirmed the arbitration decision on September 4, 2013, and the district court affirmed the arbitration decision on February 10, 2014. Claimant filed his original notice and petition for partial commutation on July 9, 2015.

In the ruling on petition for partial commutation, the deputy commissioner found it was not in claimant's best interest to grant the partial commutation. The deputy commissioner ordered the parties to pay their own costs of the partial commutation proceeding.

Claimant asserts on appeal that the deputy commissioner erred in finding it is not in claimant's best interest to grant the partial commutation.

Defendant asserts on appeal that the ruling on petition for partial commutation should be affirmed in its entirety.

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 ruling on petition for partial commutation filed on July 11, 2017, 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 partial commutation 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 it is not in claimant's best interest to grant the partial commutation. I affirm the deputy commissioner's order that the parties pay their own costs of the partial commutation proceeding. I affirm the deputy commissioner's findings, conclusions and analysis regarding those issues.

ORDER

IT IS THEREFORE ORDERED that the ruling on petition for partial commutation filed on July 11, 2017, is affirmed in its entirety.

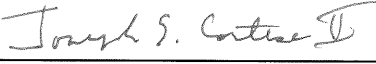
Claimant's original notice and petition for partial commutation is denied.

Defendants shall continue to pay weekly benefits as ordered in the January 31, 2013, arbitration decision, and affirmed in the September 4, 2013, appeal decision, and affirmed in the February 10, 2014, ruling on judicial review.

Pursuant to rule 876 IAC 4.33, the parties shall pay their own costs of the partial commutation proceeding, and claimant shall pay 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 13th day of June, 2018.



JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

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