

## BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

GREGORY SCHONHOFF,

Claimant,

vs.

JOHN DEERE DUBUQUE WORKS,  
OF DEERE & COMPANY,Employer,  
Self-Insured,  
Defendant.

File No. 5061818

A P P E A L

D E C I S I O N

Head Notes: 1402.20; 1402.40; 1803;  
2502; 2907; 5-9998

Defendant John Deere Dubuque Works, self-insured employer, appeals from an arbitration decision filed on March 21, 2022. Claimant Gregory Schonhoff responds to the appeal. The case was heard on October 27, 2021, and it was considered fully submitted in front of the deputy workers' compensation commissioner on December 14, 2021.

In the arbitration decision, the deputy commissioner found the August 22, 2014, stipulated work injury to claimant's penis resulted in a permanent functional loss of ten percent, but did not result in any lost earning capacity on its own. The deputy commissioner found claimant's mental health conditions are sequelae of his physical injury, and the deputy commissioner found claimant sustained 25 percent industrial disability as a result of the mental health conditions, which entitles claimant to receive 125 weeks of permanent partial disability benefits commencing on January 22, 2021. The deputy commissioner found that pursuant to Iowa Code section 85.39, claimant is not entitled to recover the cost of the independent medical examination of claimant (IME) conducted by Mark Taylor, M.D., or the cost of the independent psychological examination (IPE) conducted by Mark Poeppe, Psy.D. The deputy commissioner found that pursuant to rule 876 IAC 4.33, defendant should be assessed the \$2,045.00 cost of Dr. Taylor's IME report, the \$700.00 cost of Dr. Poeppe's IPE report, and the \$100.00 filing fee.

Defendant asserts on appeal that the deputy commissioner erred in finding claimant proved he sustained permanent partial disability beyond the five percent whole body injury to his penis. Defendant asserts the deputy commissioner erred in finding claimant proved he sustained permanent mental health sequelae, and in finding claimant is entitled to received industrial disability benefits. Defendant asserts the deputy commissioner erred in assessing defendant with the \$2,045.00 cost of Dr. Taylor's IME report, the \$700.00 cost of Dr. Poeppe's IPE report, and the \$100.00 filing fee.

Claimant asserts 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 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 March 21, 2022, which relate to the issues properly raised on intra-agency appeal.

I find the deputy commissioner provided a well-reasoned analysis of all 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 the August 22, 2014, stipulated injury to claimant's penis resulted in a permanent functional loss of ten percent but did not result in any lost earning capacity on its own. I affirm the deputy commissioner's finding that claimant's mental health conditions are sequelae of his physical injury, and I affirm the deputy commissioner's finding that claimant sustained 25 percent industrial disability, which entitled claimant to receive 125 weeks of permanent partial disability benefits. I affirm the deputy commissioner's finding that claimant is not entitled to recover the cost of Dr. Taylor's IME, or the cost of Dr. Poeppe's IPE, under Iowa Code section 85.39. I affirm the deputy commissioner's finding that under 876 IAC 4.33, defendant should be assessed the \$2,045.00 cost of Dr. Taylor's IME report, the \$700.00 cost of Dr. Poeppe's IPE report, and the \$100.00 filing fee.

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

#### ORDER

IT IS THEREFORE ORDERED that the arbitration decision filed on March 21, 2022, is affirmed in its entirety.

Defendant shall pay claimant one hundred twenty-five (125) weeks of permanent partial disability benefits, at the stipulated weekly rate of seven hundred eighteen and 47/100 dollars (\$718.47), commencing on the stipulated commencement date of January 22, 2021.

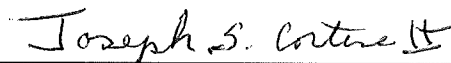
Defendant shall pay accrued weekly benefits in a lump sum together with interest at the rate of ten percent for all weekly benefits payable and not paid when due which accrued before July 1, 2017, and all interest on past due weekly compensation benefits accruing on or after July 1, 2017, shall be payable 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. See Gamble v. AG Leader Tech., File No. 5054686 (App. Apr. 24, 2018).

Pursuant to rule 876 IAC 4.33, defendant shall reimburse claimant two thousand forty-five and 00/100 dollars (\$2,045.00) for the cost of Dr. Taylor's IME report, seven hundred and 00/100 dollars (\$700.00) for the cost of Dr. Poeppe's IPE report, and one hundred and 00/100 dollars (\$100.00) for the cost of the filing fee, and defendant shall pay the costs of the appeal, including the cost of the hearing transcript.

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

Signed and filed on this 29<sup>th</sup> day of August, 2022.



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JOSEPH S. CORTESE II  
WORKERS' COMPENSATION  
COMMISSIONER

The parties have been served as follows:

Valerie Foote (via WCES)

Arthur Gilloon (via WCES)