

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

JEFFREY SINDELAR,

Claimant,

vs.

UNIVERSITY OF IOWA,

Employer,

STATE OF IOWA,

Insurance Carrier,
Defendants.

File No. 5046829

A P P E A L

D E C I S I O N

FILED

OCT 12 2016

WORKERS' COMPENSATION

Defendants University of Iowa, employer, and State of Iowa, its insurer, appeal from an arbitration decision filed on May 19, 2015. Claimant Jeffrey Sindelar responds to the appeal. The case was heard on March 10, 2015, and it was considered fully submitted in front of the deputy workers' compensation commissioner on April 13, 2015.

The deputy commissioner awarded claimant permanent total disability benefits from July 30, 2013, for the stipulated work-related injury which occurred on April 15, 2009. The deputy commissioner awarded defendants a credit for the prior benefits they have paid in this case. The deputy commissioner found claimant is entitled to reimbursement from defendants for the past medical expenses of Greg Hayes, M.D., as set out in Exhibit 16. The deputy commissioner found defendants are not entitled to a credit for long-term disability benefits paid to claimant and for payments made to claimant's TIAA-CREF retirement account. The deputy commissioner ordered defendants to reimburse claimant in the amount of \$100.00 for claimant's filing fee. The deputy commissioner found claimant is not entitled to reimbursement for the cost of obtaining medical records from six different medical providers and from the Social Security Administration. Pursuant to Iowa Code section 85.39, the deputy commissioner found claimant is not entitled to reimbursement for the fee for the second independent medical evaluation of Farid Manshadi, M.D.

Defendants assert on appeal that the deputy commissioner erred in awarding claimant permanent total disability benefits. Defendants assert the deputy commissioner erred in finding claimant is entitled to reimbursement from defendants for the past medical expenses of Dr. Hayes. Defendants also assert the deputy

commissioner erred in finding defendants are not entitled to a credit for the long-term disability benefits paid to claimant and for the payments made to claimant's TIAA-CREF retirement account.

Claimant asserts on appeal that the arbitration award 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 arbitration decision filed on May 19, 2015, which relate to the issues properly raised on intra-agency appeal.

I find the deputy commissioner provided sufficient analysis 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 award of permanent total disability benefits. I affirm the deputy commissioner's finding that claimant is entitled to reimbursement from defendants for the past medical expenses of Dr. Hayes. I affirm the deputy commissioner's finding that defendants are not entitled to a credit for the long-term disability benefits paid to claimant and for the payments made to claimant's TIAA-CREF retirement account. I affirm the deputy commissioner's findings, conclusions and analysis regarding those issues.

ORDER

IT IS THEREFORE ORDERED that the arbitration decision of May 19, 2015, is affirmed in its entirety.

Defendant shall pay claimant permanent total disability benefits at the stipulated rate of five hundred sixty-nine and 03/100 dollars (\$569.03) per week, payable from July 30, 2013, to the present and continuing until claimant's total disability ends.

Defendants shall have credit for the prior weekly benefits they have paid in this case.

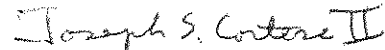
Defendants shall pay accrued weekly benefits in a lump sum together with interest pursuant to Iowa Code section 85.30.

Defendant shall reimburse claimant for the past medical expenses of Dr. Hayes as set out in claimant's Exhibit 16.

Pursuant to rule 876 IAC 4.33, defendants shall reimburse claimant in the amount of one hundred and no/100 dollars (\$100.00) for claimant's filing fee, and defendants shall pay the costs of the appeal, including the cost of the hearing transcript.

Defendants shall file subsequent reports of injury (SROI) as required by this agency pursuant to rules 876 IAC 3.1 (2) and 876 IAC 11.7.

Signed and filed this 12th day of October, 2016.



JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

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