

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

DANIEL SELIGER,

Claimant,

vs.

HY-VEE, INC.,

Employer,

and

UNION INSURANCE COMPANY
OF PROVIDENCE,Insurance Carrier,
Defendants.

File No. 19003453.02

A P P E A L

D E C I S I O N

: Head Notes: 1402.20; 1402.40; 1801; 1803;
: 2501; 2502; 2907; 5-9998

Claimant Daniel Seliger appeals from an arbitration decision filed on April 14, 2022. Defendants Hy-Vee, Inc., employer, and its insurer, Union Insurance Company of Providence, respond to the appeal. The case was heard on January 5, 2022, and it was considered fully submitted in front of the deputy workers' compensation commissioner on January 28, 2022.

In the arbitration decision, the deputy commissioner found claimant failed to carry his burden of proof to establish he sustained an injury to his left hip as a result of the stipulated work injury which occurred on June 22, 2019. The deputy commissioner found claimant is not entitled to receive healing period benefits or permanent disability benefits for his left hip condition. The deputy commissioner found claimant is not entitled to payment from defendants for the requested past medical expenses itemized in Exhibit 3. The deputy commissioner found that pursuant to Iowa Code section 85.39, claimant is not entitled to reimbursement from defendants for the cost of the independent medical evaluation (IME) performed by Sunil Bansal, M.D. 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 an injury to his left hip as a result of the work injury. Claimant asserts the deputy commissioner erred in finding claimant is not entitled to receive healing period benefits and permanent disability benefits for his left hip condition. Claimant asserts the deputy commissioner erred in finding claimant is not

entitled to payment from defendants for the requested past medical expenses. Claimant asserts the deputy commissioner erred in failing to order defendants to pay claimant's costs of the arbitration proceeding.

Defendants assert 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 April 14, 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 claimant failed to prove he sustained an injury to his left hip as a result of the June 22, 2019, work injury. I affirm the deputy commissioner's finding that claimant is not entitled to receive healing period benefits or permanent disability benefits for his left hip condition. I affirm the deputy commissioner's finding that claimant is not entitled to payment from defendants for the requested past medical expenses. I affirm the deputy commissioner's finding that pursuant to Iowa Code section 85.39, claimant is not entitled to reimbursement from defendants for the cost of Dr. Bansal's IME. I affirm the deputy commissioner's order that the parties pay their own costs of the arbitration proceeding.

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 April 14, 2022, is affirmed in its entirety.

Claimant shall take nothing further from these proceedings.

Pursuant to rule 876 IAC 4.33, the parties shall pay their own costs of the arbitration 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 11th day of August, 2022.

Joseph S. Cortese II

JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

The parties have been served as follows:

Mary Hamilton (via WCES)

Lindsey Mills (via WCES)