BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

GREG SHADLOW, Claimant, vs. LOVE'S TRAVEL STOPS, Employer, and INDEMNITY INSURANCE CO., Insurance Carrier, Defendants.	File No. 21001168.01 A R B I T R A T I O N D E C I S I O N Head Note Nos.: 1804, 2500

STATEMENT OF THE CASE

The claimant, Gary Shadlow, filed a petition for arbitration on August 9, 2021, against Love's Travel Stops & Country Stores, Inc., employer, and Indemnity Insurance Company of North America, insurance carrier. The claimant was represented by Adnan Mahmutagic. The defendants were represented by Robert Gainer.

The matter came on for hearing on November 14, 2022, before Deputy Workers' Compensation Commissioner Joe Walsh in Des Moines, Iowa via Zoom. The parties did an excellent job of developing the record. The record in the case consists of Joint Exhibits 1 through 5; Claimant's Exhibits 1 through 6; and Defense Exhibits A through G. The claimant testified at hearing and was the only witness. Gina Castro served as the court reporter for the proceedings. The matter was fully submitted on December 23, 2022, after helpful briefing by the parties.

ISSUES

The parties submitted the following issues for determination:

1. The nature and extent of permanent disability. Claimant alleges permanent and total disability and has alleged odd-lot.

2. Claimant seeks the medical expenses set forth in Claimant's Exhibit 6.

3. Taxation of costs.

STIPULATIONS

Through the hearing report, the parties stipulated to the following:

1. The parties had an employer-employee relationship.

2. Claimant sustained an injury which arose out of and in the course of employment on September 25, 2019.

3. Such injury is a cause of both temporary and permanent disability.

4. Temporary disability/healing period and medical benefits are no longer in dispute.

5. The weekly rate of compensation is $585.89.

6. Defendants have paid and are entitled to a credit of 67.45 weeks of compensation (permanent partial disability).

7. Affirmative defenses have been waived.

FINDINGS OF FACT

Claimant Greg Shadlow was 55 years old as of the date of hearing. He is married and has three minor children as of the date of hearing. He is a high school graduate and has some college. The parties disagree to some extent about his skill level and educational background. Claimant contends he was a poor student diagnosed with a learning disability and limited computer skills. The defendants contend he has significant management and computer skills. To the extent it is necessary to resolve this dispute, I find that Mr. Shadlow is bright and capable. The evidence reflects that he was skilled and valuable as a working manager who was capable of at least routine or minimal use of computers. He testified that he was diagnosed with some type of learning disability, however, he is clearly highly motivated and managed to overcome this throughout his working life. He was an average student in high school, however, he was reasonably successful in college at Kaplan University. He did not, however, secure a degree.

Mr. Shadlow testified live and under oath at hearing. I find his testimony to be highly credible. His appearance was professional and otherwise appropriate. He was reasonably articulate. He testified that he has a poor memory, however, he was not a terrible historian. His hearing testimony generally matches and corresponds with other important areas of the record, including his deposition testimony. There was nothing about his demeanor which caused me any concern for his truthfulness.

Mr. Shadlow began working for Love's Travel Stops & Country Stores (hereafter, "Love's") in approximately August 2019. Prior to that, he had been the general manager at a Papa John's store in Waterloo, Iowa, since 2012. This had been his primary employment since serving in Afghanistan in the Iowa National Guard in 2010-11. At Papa John's, Mr. Shadlow testified his job was fairly physical and demanding. He was essentially responsible for all operations at a busy store, working alongside his employees. He was successful in this position. Mr. Shadlow also had experience as a supply specialist and cook (in the National Guard), as well as some security experience.

It is noted that Mr. Shadlow had significantly disabling conditions before he ever began employment with Love's in August 2019. Specifically, he had been deemed 60 percent disabled by the Department of Veteran's Affairs after returning from Afghanistan (hereafter, "VA"). This included the following conditions: post-traumatic stress disorder (PTSD), clavicle or scapula impairment, as well as limited range of motion of his ankle and little finger. (Joint Exhibit 1, page 29) Mr. Shadlow also had low back surgery in December 2000. (Jt. Ex. 5) While the surgery was described as successful it is apparent that he had some ongoing low back problems for the next several years. (Jt. Ex. 3, p. 45) The condition in his shoulders was significantly disabling during the time he worked at Papa John's. Nevertheless, he worked consistently and was never under any formal permanent medical restrictions.

He testified that he was hired "on the spot" by Love's in August 2019. When he first began, he was trying to work both at Papa John's and Love's. After a few weeks, he quit Papa John's. He testified that Papa John's was not particularly accommodating of the condition in his bilateral shoulders.

On September 25, 2019, Mr. Shadlow sustained a significant fall while working at Love's. While he was carrying an armload of towels he stepped out of the shower and tripped, falling onto his right side. He developed severe pain and bilateral radicular symptoms. The parties have stipulated that this injury arose out of and in the course of his employment. The parties have further stipulated that this injury is a cause of both temporary and permanent disability.

Mr. Shadlow had a full medical workup including significant diagnostic testing, physical therapy and medication management. He eventually started receiving

extensive pain management treatment in 2020, which continued throughout 2021, including medial branch blocks and radiofrequency ablation, as well as further medication management. Two neurosurgical consultations assessed that he was not a surgical candidate.

In January 2021, a physicians' assistant at MercyOne Occupational Health recommended a functional capacity evaluation (FCE). He underwent an FCE on June 7, 2021 at Rock Valley Physical Therapy with valid result. (Jt. Ex. 4) Upon reviewing the FCE, his authorized treating physician assigned the following permanent restrictions:

> General: These restrictions are permanent. Pt can lift floor to waist 18# occasionally, 5# frequently, Waist to shoulder 15# occasionally, 5# frequently. Waist to overhead 12# occasionally, 0# frequently, Bilateral carry 10# occasionally, 0# frequently. Unilateral carry 9# and 0# respectively, Bilateral pulling 25# occasionally, 12# frequently, pushing 30# frequently, 15# occasionally, Vary sit/stand/walk as needed, with no more than 20 minutes of each activity without activity change, Kneel, squat and crawl rarely, Occasional bending, reaching above shoulders, working with elevated arms, climbing stair, ladders. Limit to 8 hour day.

(Jt. Ex. 2, p. 38) These restrictions essentially mirror the FCE. His working diagnosis at that time included the following: sprain of ligaments in the lumbar and thoracic spine, radiculopathy, lumbar region. (Id.)

Following this evaluation, Mr. Shadlow was terminated from Love's. Prior to this, he had been working light-duty. (Def. Ex. F, Depo, p. 35) The following note is documented in July 2021, by Caitlin Oakleaf: "This was all due to a work comp resolution. Greg was given permanent restrictions that I explained to him we were not able to accommodate." (Cl. Ex. 5, p. 1) Mr. Shadlow testified that he spoke with his supervisor around this time as well. (Tr., p. 36) "So I asked him, is there anything else I could do? He said, nope. Not with Love's." (Tr., p. 36)

In November 2021, Dr. Bingham assigned an 8 percent whole body impairment rating. (Jt. Ex. 2, pp. 40-41) Mr. Shadlow has continued to complain of severe low back pain with radiation into his legs. He testified that the left side is numb 75 percent of the time, and the right side is always numb. He has consistently described these symptoms to his medical providers.

Prior to hearing, Mr. Shadlow has undergone two separate independent medical evaluations (IMEs) for purposes of expert opinions. Richard Kreiter, M.D., prepared a report on behalf of the claimant on June 17, 2022. (Cl. Ex. 1) Jonathan Fields, M.D.,

prepared a report on behalf of the defendants on August 21, 2022. Both physicians reviewed appropriate records and examined Mr. Shadlow. Both physicians documented his significant ongoing symptoms since the work injury. (Cl. Ex. 1, p. 4; Def. Ex. A, p. 5)

Dr. Kreiter opined that Mr. Shadlow "aggravated a preexisting condition in his low back" and assigned a 5 percent whole body impairment rating. (Cl. Ex. 1, p. 1) He recommended treatment with a pain psychologist to manage his condition, as well as a water exercise program. "Restrictions should include alternating standing, walking, sitting as tolerated. Avoid sitting or standing in a forward flexed position. Avoid twisting at the waist. No driving or riding in any vehicle/heavy equipment with a rough ride, which would cause increased axial stress to the lumbar spine." (Id.) I find Dr. Kreiter's medical causation opinion to be convincing.

Dr. Fields opined that "Mr. Shadlow's current condition is chronic, idiopathic, non-physiologic low back pain. I would not consider it work-related." (Def. Ex. A, p. 9) He stated that Mr. Shadlow's work injury merely produced a right gluteal contusion "which would have resolved by January 19th, 2021." (Id.) I find Dr. Fields' opinions are inconsistent with the other credible medical opinions in the record, including the opinions of the authorized treating pain management physician.

In addition, both parties secured vocational experts. Barbara Laughlin prepared a report on behalf of Mr. Shadlow in July 2022. (Cl. Ex. 2) Lana Sellner prepared a report on behalf of defendants at the same time. (Def. Ex. C) Ms. Laughlin opined that utilizing the FCE restrictions, he had a near total loss of occupational access to positions for which he was previously qualified. (Cl. Ex. 2, p. 11) Ms. Sellner was much more optimistic. She identified a small snapshot of positions which Mr. Shadlow could perform and opined that he is "employable." (Def. Ex. C, pp. 25-26)

Despite his consistent, ongoing low back symptoms, Mr. Shadlow has continued to look for work. In February 2021, he secured a management position with Culver's but testified he was unable to complete his probationary period due to his symptoms. He testified that he worked there for almost three months but his symptoms worsened. "That's why I had to quit. I couldn't hardly walk anymore." (Tr., p. 41) The duties of this position were undoubtedly inconsistent with his permanent restrictions. He provided specific details about his symptoms. "My feet are 100 percent numb. My back hurt so bad I couldn't stand up straight. I had employees asking, hey are you okay." (Tr., p. 41) Mr. Shadlow continued to look for work thereafter but located nothing suitable.

CONCLUSIONS OF LAW

The primary question submitted is the nature and extent of claimant's industrial disability. The parties have stipulated that the disability is industrial and must be

evaluated under Iowa Code section 85.34(2)(v). The claimant has alleged odd-lot and asserts that he is permanently and totally disabled. The defendants concede he has some permanency from his work injury, however, deny the severity of it.

Since claimant has an impairment to the body as a whole, an industrial disability has been sustained. Industrial disability was defined in Diederich v. Tri-City Ry. Co. of Iowa, 219 Iowa 587, 258 N.W. 899 (1935) as follows: "It is therefore plain that the Legislature intended the term 'disability' to mean 'industrial disability' or loss of earning capacity and not a mere 'functional disability' to be computed in terms of percentages of the total physical and mental ability of a normal man."

Functional impairment is an element to be considered in determining industrial disability which is the reduction of earning capacity, but consideration must also be given to the injured employee's age, education, qualifications, experience, motivation, loss of earnings, severity and situs of the injury, work restrictions, inability to engage in employment for which the employee is fitted and the employer's offer of work or failure to so offer. McSpadden v. Big Ben Coal Co., 288 N.W.2d 181 (Iowa 1980); Olson v. Goodyear Service Stores, 255 Iowa 1112, 125 N.W.2d 251 (1963); Barton v. Nevada Poultry Co., 253 Iowa 285, 110 N.W.2d 660 (1961).

Compensation for permanent partial disability shall begin at the termination of the healing period. Compensation shall be paid in relation to 500 weeks as the disability bears to the body as a whole. Section 85.34.

Total disability does not mean a state of absolute helplessness. Permanent total disability occurs where the injury wholly disables the employee from performing work that the employee's experience, training, education, intelligence, and physical capacities would otherwise permit the employee to perform. See McSpadden v. Big Ben Coal Co., 288 N.W.2d 181 (Iowa 1980); Diederich v. Tri-City Ry. Co. of Iowa, 219 Iowa 587, 258 N.W. 899 (1935).

A finding that claimant could perform some work despite claimant's physical and educational limitations does not foreclose a finding of permanent total disability, however. See Chamberlin v. Ralston Purina, File No. 661698 (App. October 1987); Eastman v. Westway Trading Corp., II Iowa Industrial Commissioner Report 134 (App. May 1982).

In Guyton v. Irving Jensen Co., 373 N.W.2d 101 (Iowa 1985), the Iowa court formally adopted the "odd-lot doctrine." Under that doctrine a worker becomes an odd-lot employee when an injury makes the worker incapable of obtaining employment in any well-known branch of the labor market. An odd-lot worker is thus totally disabled if the only services the worker can perform are "so limited in quality, dependability, or quantity that a reasonably stable market for them does not exist." Id., at 105.

Under the odd-lot doctrine, the burden of persuasion on the issue of industrial disability always remains with the worker. Nevertheless, when a worker makes a prima facie case of total disability by producing substantial evidence that the worker is not employable in the competitive labor market, the burden to produce evidence showing availability of suitable employment shifts to the employer. If the employer fails to produce such evidence and the trier of facts finds the worker does fall in the odd-lot category, the worker is entitled to a finding of total disability. Guyton, 373 N.W.2d at 106. Factors to be considered in determining whether a worker is an odd-lot employee include the worker's reasonable but unsuccessful effort to find steady employment, vocational or other expert evidence demonstrating suitable work is not available for the worker, the extent of the worker's physical impairment, intelligence, education, age, training, and potential for retraining. No factor is necessarily dispositive on the issue. Second Injury Fund of Iowa v. Nelson, 544 N.W.2d 258 (Iowa 1995). Even under the odd-lot doctrine, the trier of fact is free to determine the weight and credibility of evidence in determining whether the worker's burden of persuasion has been carried, and only in an exceptional case would evidence be sufficiently strong as to compel a finding of total disability as a matter of law. Guyton, 373 N.W.2d at 106.

The Iowa Supreme Court has adopted the full-responsibility rule. Under that rule, where there are successive work-related injuries, the employer liable for the current injury also is liable for the preexisting disability caused by any earlier work-related injury if the former disability when combined with the disability caused by the later injury produces a greater overall industrial disability. Venegas v. IBP, Inc., 638 N.W.2d 699 (Iowa 2002); Second Injury Fund of Iowa v. Nelson, 544 N.W.2d 258, 265 (Iowa 1995); Celotex Corp. v. Auten, 541 N.W.2d 252, 254 (Iowa 1995). The full-responsibility rule does not apply in cases of successive, scheduled member injuries, however. Floyd v. Quaker Oats, 646 N.W.2d 105 (Iowa 2002).

It has long been the law of Iowa that Iowa employers take an employee subject to any active or dormant health problems and must exercise care to avoid injury to both the weak and infirm and the strong and healthy. Hanson v. Dickinson, 188 Iowa 728, 176 N.W. 823 (1920). A material aggravation, worsening, lighting up or acceleration of any prior condition has been a viewed as a compensable event ever since initial enactment of our workers' compensation statutes. Ziegler v. United States Gypsum Co., 252 Iowa 613; 106 N.W.2d 591 (1960). While a claimant must show that the injury proximately caused the medical condition sought to be compensable, it is well established in Iowa that a cause is "proximate" when it is a substantial factor in bringing about that condition. It need not be the only causative factor, or even the primary or the most substantial cause to be compensable under the Iowa workers' compensation system. Miller v. Lauridsen Foods, Inc., 525 N.W.2d 417 (Iowa 1994); Blacksmith v. All-American, Inc., 290 N.W.2d 348 (Iowa 1980).

The refusal of defendant-employer to return claimant to work in any capacity is, by itself, significant evidence of a lack of employability. Pierson v. O'Bryan Brothers, File No. 951206 (App. January 20, 1995). Meeks v. Firestone Tire & Rubber Co., File No. 876894, (App. January 22, 1993); See also, 10-84 Larson's Workers' Compensation Law, section 84.01; Sunbeam Corp. v. Bates, 271 Ark. 385, 609 S.W.2d 102 (1980); Army & Air Force Exchange Service v. Neuman, 278 F. Supp. 865 (W.D. La. 1967); Leonardo v. Uncas Manufacturing Co., 77 R.I. 245, 75 A.2d 188 (1950). An employer who chooses to preclude an injured worker's re-entry into its workforce likely demonstrates by its own action that the worker has incurred a substantial loss of earning capacity. As has previously been explained in numerous decisions of this agency, if the employer in whose employ the disability occurred is unwilling to accommodate the disability, there is no reason to expect some other employer to have more incentive to do so. Estes v. Exide Technologies, File No. 5013809 (App. December 12, 2006).

Having thoroughly reviewed all of the evidence in this record, I find that the claimant has met his burden of proof that he is permanently and totally disabled under the odd-lot theory. He met his prima facie case by producing evidence he is not employable in the competitive labor market through his own testimony, including his termination from Love's due to his medical restrictions, his efforts to secure and maintain permanent employment, the medical opinions of his treating physician, and the vocational report of Barbara Laughlin. The burden thereby shifted to the employer to produce evidence showing availability of suitable employment. The employer has failed to produce sufficient evidence at hearing to rebut the presumption.

Mr. Shadlow is most well-suited for a position as a working manager. The restrictions assigned by FCE and confirmed by the authorized treating physician are prohibitive. The fact that Love's terminated his position as a working manager and refused to offer any other position is significant. He is unlikely to find any working manager position which is significantly less strenuous than the work he performed at Love's. Yet Love's acknowledged that his symptoms and restrictions were so significant that they were unable to maintain his employment in any manner. Given the severity of Mr. Shadlow's restrictions and overall condition, this was a rational decision by the employer. This is, nevertheless, strong evidence of total disability.

I also find it is significant that Mr. Shadlow secured employment with Culver's and was unable to continue in this position. It is likely that this position was outside of his medical restrictions. I find that Mr. Shadlow is, in fact, highly motivated to work. He attempted in good faith to perform this work without accommodations but was unable. He has performed a reasonable job search, evidenced by the fact that he actually secured a good job that paid better than his work at Love's. Based upon the evidence

in the record, it is obvious that, had he been able to perform the functions of that job without a dramatic increase in his symptoms, he would have continued to do so.

The next issue is medical expenses.

The employer shall furnish reasonable surgical, medical, dental, osteopathic, chiropractic, podiatric, physical rehabilitation, nursing, ambulance, and hospital services and supplies for all conditions compensable under the workers' compensation law. The employer shall also allow reasonable and necessary transportation expenses incurred for those services. The employer has the right to choose the provider of care, except where the employer has denied liability for the injury. Section 85.27. Holbert v. Townsend Engineering Co., Thirty-second Biennial Report of the Industrial Commissioner 78 (Review-Reopening October 1975).

Evidence in administrative proceedings is governed by section 17A.14. The agency's experience, technical competence, and specialized knowledge may be utilized in the evaluation of evidence. The rules of evidence followed in the courts are not controlling. Findings are to be based upon the kind of evidence on which reasonably prudent persons customarily rely in the conduct of serious affairs. Health care is a serious affair.

Prudent persons customarily rely upon their physician's recommendation for medical care without expressly asking the physician if that care is reasonable. Proof of reasonableness and necessity of the treatment can be based on the injured person's testimony. Sister M. Benedict v. St. Mary's Corp., 255 Iowa 847, 124 N.W.2d 548 (1963).

It is said that "actions speak louder than words." When a licensed physician prescribes and actually provides a course of treatment, doing so manifests the physician's opinion that the treatment being provided is reasonable. A physician practices medicine under standards of professional competence and ethics. Knowingly providing unreasonable care would likely violate those standards. Actually, providing care is a nonverbal manifestation that the physician considers the care actually provided to be reasonable. A verbal expression of that professional opinion is not legally mandated in a workers' compensation proceeding to support a finding that the care provided was reasonable. The success, or lack thereof, of the care provided is evidence that can be considered when deciding the issue of reasonableness of the care. A treating physician's conduct in actually providing care is a manifestation of the physician's opinion that the care provided is reasonable and creates an inference that can support a finding of reasonableness. Jones v. United Gypsum, File 1254118 (App. May 2002); Kleinman v. BMS Contract Services, Ltd., File No. 1019099 (App. September 1995); McClellon v. Iowa Southern Utilities, File No. 894090 (App. January

1992). This inference also applies to the reasonableness of the fees actually charged for that treatment.

Claimant is entitled to an order of reimbursement only if he has paid treatment costs; otherwise, to an order directing the responsible defendants to make payments directly to the provider. See, Krohn v. State, 420 N.W.2d 463 (Iowa 1988). Defendants should also pay any lawful late payment fees imposed by providers. Laughlin v. IBP, Inc., File No. 1020226 (App., February 27, 1995).

Having reviewed the expenses set forth in Claimant's Exhibit 6, I find that the care he obtained was authorized and otherwise appropriate. The defendants are responsible for all of the outstanding medical expenses in a manner consistent with this decision.

The final issue is costs. Claimant is seeking the costs set forth in Claimant's Exhibit 3.

Iowa Code section 86.40 states:

> **Costs.** All costs incurred in the hearing before the commissioner shall be taxed in the discretion of the commissioner.

Iowa Administrative Code Rule 876—4.33(86) states:

> **Costs.** Costs taxed by the workers' compensation commissioner or a deputy commissioner shall be (1) attendance of a certified shorthand reporter or presence of mechanical means at hearings and evidential depositions, (2) transcription costs when appropriate, (3) costs of service of the original notice and subpoenas, (4) witness fees and expenses as provided by Iowa Code sections 622.69 and 622.72, (5) the costs of doctors' and practitioners' deposition testimony, provided that said costs do not exceed the amounts provided by Iowa Code sections 622.69 and 622.72, (6) the reasonable costs of obtaining no more than two doctors' or practitioners' reports, (7) filing fees when appropriate, (8) costs of persons reviewing health service disputes. Costs of service of notice and subpoenas shall be paid initially to the serving person or agency by the party utilizing the service. Expenses and fees of witnesses or of obtaining doctors' or practitioners' reports initially shall be paid to the witnesses, doctors or practitioners by the party on whose behalf the witness is called or by whom the report is requested. Witness fees shall be paid in accordance with Iowa Code section 622.74. Proof of payment of any cost shall be filed with the workers' compensation commissioner before it is taxed. The party initially paying the expense shall be reimbursed by the party taxed with the cost. If the expense is

> unpaid, it shall be paid by the party taxed with the cost. Costs are to be assessed at the discretion of the deputy commissioner or workers' compensation commissioner hearing the case unless otherwise required by the rules of civil procedure governing discovery. This rule is intended to implement Iowa Code section 86.40.

Iowa Administrative Code rule 876—4.17 includes as a practitioner, "persons engaged in physical or vocational rehabilitation or evaluation for rehabilitation." A report or evaluation from a vocational rehabilitation expert constitutes a practitioner report under our administrative rules. Bohr v. Donaldson Company, File No. 5028959 (Arb. November 23, 2010); Muller v. Crouse Transportation, File No. 5026809 (Arb. December 8, 2010) The entire reasonable costs of doctors' and practitioners' reports may be taxed as costs pursuant to 876 IAC 4.33. Caven v. John Deere Dubuque Works, File Nos. 5023051, 5023052 (App. July 21, 2009).

Using the discretion set forth in the statute and the rule, I find that claimant is entitled to the following costs:

Filing Fee	$100.00
Deposition Transcript	$122.50
Kreiter Report	$2,000.00
Laughlin Report	$1,325.00
Total	$3,547.50

ORDER

THEREFORE, IT IS ORDERED

Defendants shall pay the claimant permanent total disability benefits at the stipulated rate of five hundred and eighty-five and 89/100 ($585.89) from the date of his termination from employment forward through the date of hearing and continuing until he is no longer permanently and totally disabled.

Defendants shall pay accrued weekly benefits in a lump sum.

Defendants shall pay interest on unpaid weekly benefits awarded herein as set forth in Iowa Code section 85.30.

Defendants shall be given credit for the weeks previously paid as stipulated by the parties.

Defendants are responsible for the outstanding medical expenses set forth in Claimant's Exhibit 6.

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

Costs are taxed to defendants in the amount of $3,547.50.

Signed and filed this 12th day of June, 2023.

JOSEPH L. WALSH
DEPUTY WORKERS'
COMPENSATION COMMISSIONER

The parties have been served, as follows:

Adnan Mahmutagic (via WCES)

Robert Gainer (via WCES)

Right to Appeal: This decision shall become final unless you or another interested party appeals within 20 days from the date above, pursuant to rule 876-4.27 (17A, 86) of the Iowa Administrative Code. The notice of appeal must be filed via Workers' Compensation Electronic System (WCES) unless the filing party has been granted permission by the Division of Workers' Compensation to file documents in paper form. If such permission has been granted, the notice of appeal must be filed at the following address: Workers' Compensation Commissioner, Iowa Division of Workers' Compensation, 150 Des Moines Street, Des Moines, Iowa 50309-1836. The notice of appeal must be received by the Division of Workers' Compensation within 20 days from the date of the decision. The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or legal holiday.