

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

TYLER AHRENS,

Claimant,

vs.

QUALITY MANUFACTURING
CORPORATION,

Employer,

and

EMCASCO INSURANCE COMPANY,

Insurance Carrier,
Defendants.

FILED

MAY 31 2019

WORKERS' COMPENSATION

File No. 5059431

A P P E A L

D E C I S I O N

Head Note Nos: 1108; 1402; 2907

Claimant Tyler Ahrens appeals from an arbitration decision filed on December 21, 2018. Defendants, Quality Manufacturing Company, employer, and its insurer, EMCASCO Insurance Company, respond to the appeal. The case was heard on August 28, 2018, and it was considered fully submitted in front of the deputy workers' compensation commissioner on October 5, 2018.

The deputy commissioner found claimant failed to carry his burden of proof that he sustained an injury which arose out of and in the course of his employment with defendant-employer on January 3, 2017, as alleged. The deputy commissioner found all other issues raised in this matter are moot, including what is claimant's weekly benefit rate for the alleged work injury, and whether claimant is entitled to receive healing period benefits, permanent disability benefits and medical benefits. 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 a work injury on January 3, 2017, as alleged. Claimant asserts the deputy commissioner erred by failing to award claimant healing period benefits, permanent partial disability benefits and medical benefits.

Defendants assert on appeal that the arbitration decision 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.

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 December 21, 2018, 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 carry his burden of proof that he sustained a work-related injury on January 3, 2017, as alleged. I affirm the deputy commissioner's finding that all other issues raised in this matter are moot, including what is claimant's weekly benefit rate for the alleged work injury, and whether claimant is entitled to receive temporary disability benefits, permanent disability benefits and medical benefits. 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 all of the above issues.


ORDER

IT IS THEREFORE ORDERED that the arbitration decision filed on December 21, 2018, is affirmed in its entirety.

Claimant shall take nothing 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.

Signed and filed on this 31st day of May, 2019.



JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

Copies to:

James M. Ballard
Attorney at Law
14225 University Ave., Ste. 142
Waukee, IA 50263-1699
jballard@jmbfirm.com

D. Brian Scieszinski
Attorney at Law
801 Grand Ave., Ste. 3700
Des Moines, IA 50309-8004
scieszinski.brian@bradshawlaw.com