BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

WILLIAM HAGEN,

Claimant,

vs.

IOWA PROTEIN TRANSPORTATION, LLC

Employer,

and

IOWA INSURANCE GUARANTY ASSOCIATION, on behalf of RED ROCK INSURANCE COMPANY f/k/a BANCINSURE, in insolvency,

Insurance Carrier,
Defendants.

File No. 5040402

ARBITRATION

DECISION

Head Note No.: 1803

STATEMENT OF THE CASE

Claimant, William Hagen, filed a petition in arbitration seeking workers' compensation benefits from Iowa Protein Transportation, LLC, employer, and Red Rock Insurance Company, insurance carrier, both as defendants, as a result of a stipulated injury sustained on May 4, 2011. This matter came on for hearing before Deputy Workers' Compensation Commissioner, Erica J. Fitch, on July 25, 2014, in Des Moines, Iowa. The record in this case consists of claimant's exhibits 1 through 6, defendants' exhibits A through H, and the testimony of the claimant and David Peters. The parties submitted post-hearing briefs, the matter being fully submitted on August 15, 2014.

On September 9, 2014, defendants Iowa Protein Transportation LLC and Red Rock Insurance Company filed a motion to stay the proceedings due to an order placing Red Rock Insurance Company into receivership on August 21, 2014. A distinct deputy workers' compensation commissioner granted the requested stay on September 23, 2014. On February 5, 2015, the Iowa Insurance Guaranty Association moved to substitute itself as defendant on behalf of insolvent Red Rock Insurance Company. By order dated February 13, 2015, a distinct deputy commissioner granted the substitution and lifted the stay previously imposed.

ISSUES

The parties submitted the following issue for determination:

1. The extent of claimant's industrial disability.

The stipulations of the parties in the hearing report are incorporated by reference in this decision.

FINDINGS OF FACT

The undersigned, having considered all of the evidence and testimony in the record, finds:

Claimant's testimony was consistent as compared to the evidentiary record and his deposition testimony. His demeanor at the time of evidentiary hearing gave the undersigned no reason to doubt claimant's veracity. Claimant is found credible.

Claimant was 41 years of age at the time of hearing. He resides in Greenville, Iowa. Claimant is right-hand dominant. Claimant completed high school through the 10th grade. He did not graduate nor obtain his GED. (Claimant's testimony; Exhibit E, Deposition Transcript pages 5-6) After dropping out of high school, claimant pursued automotive technician classes at Albert Lea Technical College for two years. Claimant did not finish the program, as family demands required him to seek employment. While taking automotive technician classes, claimant estimated he earned a "C" grade average. (Claimant's testimony)

Claimant's work history prior to defendant-employer consists of agricultural labor, semi-truck driver, snowmobile repair, lawn care, sales clerk, truck owner/operator, machining, and equipment maintenance. Many of these jobs were physically demanding; for instance, claimant was required to lift 40 to 75 pounds in his machining position. Claimant has maintained his CDL license since the age of 21. (Claimant's testimony; Ex. 6, pp. 3-4; Ex. E, Depo. Tr. pp. 12, 19-23) Immediately prior to becoming employed at defendant-employer, claimant worked at Shine Brothers from 2004 to 2010. He worked in the maintenance department, where he worked on trucks and heavy equipment and also ordered parts. In this position, claimant could be required to lift up to 100 pounds. Claimant worked full time at Shine Brothers, earning $16.75 per hour; claimant resigned his employment to take a position at defendant-employer. (Claimant's testimony; Ex. E, Depo. Tr. pp. 12-14)

While employed at Shine Brothers, claimant sustained a work-related injury in April 2008. Claimant complained of right shoulder pain and subsequently, left shoulder pain caused by overcompensation for the right shoulder. Claimant described his left shoulder as feeling as if it would almost slip out of socket with his arm hanging at his side. Claimant underwent MRI studies and was diagnosed with bilateral shoulder pain,

tendonitis, and bursitis. Claimant received conservative treatment, including work restrictions, medications, physical therapy, and an injection of the left shoulder. Claimant was placed at maximum medical improvement (MMI) on April 30, 2008, without permanent restrictions. (Ex. A, pp. 1-6; Ex. B, pp. 1-2)

Claimant applied for work at defendant-employer in September 2010. The job application submitted by claimant indicates he graduated high school and received a degree following two years of education at Albert Lea Technical College. (Ex. G, p. 2) Defendant-employer hired claimant as a diesel mechanic. His duties required him to handle equipment parts which could weigh 75 to 100 pounds. Claimant worked full time, with overtime almost weekly. At the time claimant left employment with defendant-employer, he earned $21.50 per hour. (Claimant's testimony; Ex. E, pp. 23-24)

On May 4, 2011, claimant suffered a stipulated work injury to his left shoulder while cranking on trailer dollies. Claimant indicated he felt pain, pulling and popping in his left shoulder. Claimant reported the incident to his supervisor and medical treatment was arranged with Alexander Pruitt, M.D. (Claimant's testimony; Ex. E, Depo. Tr, pp. 26-28)

Claimant presented to Dr. Pruitt on May 6, 2011. Following examination and x-rays, Dr. Pruitt assessed a possible rotator cuff injury, rotator cuff tear, and perhaps slight impingement. Dr. Pruitt performed subacromial injection and released claimant to return to work under a restriction of no work above shoulder level. (Ex. 1, pp. 1-2) Dr. Pruitt subsequently ordered an MRI of claimant's left shoulder, which took place on May 13, 2011. The radiologist opined the results revealed a partial thickness tear of supraspinatus tendon, possible tendinitis and bursal effusion. (Ex. 1, p. 3)

Thereafter, claimant continued to follow up with Dr. Pruitt's office. He continued a course of conservative treatment. On May 19, 2011, this course of care included Ultram, physical therapy, and work restrictions of no overhead use of the left arm and a maximum 10-pound lift. (Ex. 1, p. 4)

At an appointment on June 9, 2011, Dr. Pruitt noted claimant had improved and was doing well. Dr. Pruitt lessened claimant's work restrictions to only a 40-pound maximum lift. Dr. Pruitt recommended physical therapy for an additional 2 to 3 weeks. He indicated a hope of placing claimant at MMI at conclusion of the course of physical therapy. (Ex. 1, p. 5)

Claimant missed a physical therapy session in early July 2011 due to work. Due to claimant's failure to show for this appointment, the therapist discharged claimant from physical therapy to a home exercise program on July 7, 2011. (Claimant's testimony; Ex. 2, p. 6) From July 2011 going forward, claimant testified he asked for the physical therapy session to be rescheduled and continued to ask for medical treatment from supervisors. Claimant testified he was informed all medical appointments would be arranged through defendant-employer's human resources department and each time he asked his supervisors for care, his supervisors indicated they would talk to human

resources. During this time, claimant continued to perform his mechanic duties. (Claimant's testimony; Ex. E, Depo. Tr. pp. 32-39)

On April 4, 2012, claimant engaged in a conversation with his supervisors regarding his need for more medical treatment. Claimant testified he was told his case had been closed and medical care was not defendant-employer's responsibility any longer. Claimant indicated he became fed up and quit his employment due to continued pain and sleepless nights. (Claimant's testimony; Ex. E, Depo. Tr. p. 41) Defendant-employer's termination record dated April 4, 2012 and signed by claimant indicates claimant resigned for personal reasons. A portion of the form denoting a supervisor evaluation describes claimant as a satisfactory employee; the form also notes claimant is recommended for rehire. (Ex. G, p. 4) During the last full year claimant worked for defendant-employer, 2011, claimant earned an estimated $68,000.00. (Claimant's testimony)

On June 4, 2012, claimant returned to Dr. Pruitt's office and was evaluated by Kate Nelson, ARNP. Claimant complained of continued pain in his left shoulder for which he took Motrin and Tylenol. Ms. Nelson assessed left shoulder pain following failed conservative treatment, prescribed Mobic, and ordered a left shoulder MRI. (Ex. 1, p. 6) Claimant subsequently underwent the MRI on September 13, 2012. The radiologist read the results as findings suggestive of partial tearing and/or tendinopathy of the supraspinatus and subscapularis tendons. (Ex. 1, pp. 7-8)

Claimant returned to Ms. Nelson on September 14, 2012. Ms. Nelson assessed left shoulder pain, partial tear of the supraspinatus tendon, partial tear of the subscapularis tendon, impingement, and an indeterminate labral tear. She indicated Dr. Pruitt's office would seek authorization for left shoulder arthroscopy, possible arthrotomy, subacromial decompression, distal clavicle excision, exploration of the rotator cuff, possible rotator cuff repair, exploration of the labrum, and possible labral repair. (Ex. 1, p. 9)

In September 2012, claimant applied for positions as a bus driver and custodian at Sioux Central School District (SCSD). On his application, claimant represented he attended high school through the 10th grade and participated in two years of automotive technician school at Albert Lea Technical College, did not complete the program. (Ex. H, p. 5)

Claimant began work at SCSD in October 2012. He initially began as a bus driver only, working 4 hours per day, 5 days per week. In January 2013, claimant was hired full-time as a bus driver and custodian. (Claimant's testimony; Ex. H, p. 1) During the school year, claimant drives a bus 20 hours per week and does custodial work 20 hours per week. During the summer months, claimant performs only custodial work for the full 40 hours per week. Claimant testified he only occasionally receives overtime. Claimant's rate of pay varies based on the activity he is performing. While driving a bus, claimant earns $16.80 per hour; he earns $11.50 per hour for custodial work. (Claimant's testimony; Ex. F, Depo. Tr. pp. 4-7)

Claimant returned to Dr. Pruitt's office on May 13, 2013 and was evaluated by Susan Harman, PA-C. PA Harman assessed rotator cuff tear with nonspecific findings of the labrum and scheduled claimant for a left shoulder arthroscopy. (Ex. 1, p. 10)

On May 17, 2013, Dr. Pruitt performed surgery consisting of diagnostic arthroscopy of the left glenohumeral joint with partial excision of the labrum, subacromial bursoscopy, partial bursectomy with subacromial decompression/acriomioplasty, distal clavicle excision/Mumford procedure, and mini open rotator cuff repair. Procedure notes detail a full thickness tear of the rotator cuff, as well as a labral tear. (Ex. 3, p. 1)

Following surgery, claimant continued to follow up with Dr. Pruitt. After one week, Dr. Pruitt discontinued daytime use of a shoulder immobilizer, ordered an aggressive course of physical therapy, and released claimant to work under restrictions of no lifting greater than 10 pounds and activities at waist-level only. (Ex. 1, p. 11) Claimant returned to Dr. Pruitt on June 28, 2013, at which point Dr. Pruitt discontinued nighttime use of the shoulder immobilizer and lessened claimant's work restrictions to no lifting more than 20 pounds and no repetitive overhead work. (Ex. 1, p. 13)

Claimant returned to Dr. Pruitt's office on August 9, 2013 and was evaluated by PA Harman. PA Harman placed claimant at MMI as of that date and released claimant to return to work without restrictions. (Ex. 1, pp. 15-16) Dr. Pruitt subsequently authored a letter dated August 13, 2013, in which he opined claimant sustained permanent upper extremity impairments of 2 percent for partial excision of the labrum and 10 percent for distal clavicle excision/resection arthroplasty for a combined 12 percent left upper extremity. (Ex. 1, p. 16)

At the arranging of claimant's counsel, on March 7, 2014, claimant presented for independent medical evaluation (IME) with board certified occupational medicine physician, Sunil Bansal, M.D. Claimant complained of constant pain and discomfort of the left shoulder, difficulty sleeping, severe pain and discomfort when lifting away from his body or over shoulder level, shooting pains in the left shoulder if the elbow is moved far out to his side, and reduced mobility of the shoulder. (Ex. 5, p. 6) Claimant reported his pain averages a level 2, but could reach a level 5 on a 10-point scale. Claimant estimated he was capable of safely lifting 25 pounds with his left arm, if the arm is held close to his body. (Ex. 5, p. 7)

Following records review, interview and examination, Dr. Bansal opined claimant achieved MMI on August 9, 2013. (Ex. 5, p. 8) Dr. Bansal opined claimant sustained permanent upper extremity impairments of 1 percent for flexion, 1 percent for abduction, and 3 percent for internal rotation. Dr. Bansal combined this 5 percent impairment based on range of motion with a 10 percent impairment for the distal clavicle resection. In total, Dr. Bansal opined claimant sustained a 15 percent upper extremity or 9 percent whole person impairment. (Ex. 5, pp. 9-10) Dr. Bansal also recommended permanent restrictions of no lifting greater than 25 pounds occasionally or 10 pounds frequently with the left arm, no lifting more than 10 pounds occasionally above shoulder level with

the left arm, and no frequent pushing or pulling with the left arm. Additionally, Dr. Bansal opined claimant required an indefinite home exercise program, as well as potentially may require intermittent cortisone injections, physical therapy, or pain medications. (Ex. 5, p. 10)

At the arranging of defendants, on May 28, 2014, claimant presented for IME with board certified occupational medicine physician Charles Mooney, M.D. (Ex. D, p. 3) Claimant complained of intermittent left shoulder pain. He indicated the activities which resulted in pain were difficult to predict, but occurred predominantly with work above shoulder height, lifting with an extended arm, and full internal rotation. Claimant also reported perceived weakness of the left arm. (Ex. C, p. 4) Claimant described his pain level as a level 1 at rest and level 4 with increased activities, on a 10-point scale. Claimant reported "very minimal impact on routine activities," but some continued limitations. He reported an ability to perform activities of daily living, with only occasional waking at night due to pain. Claimant reported relief with limiting his motion and denied use of any pain medications. (Ex. C, p. 4)

Following records review, interview, and examination, Dr. Mooney assessed work-related rotator cuff tear, degenerative acromioclavicular arthropathy and superior labral irregularity necessitating surgical intervention. He opined claimant reached MMI on August 9, 2013. Dr. Mooney opined claimant sustained permanent upper extremity impairments of 3 percent for loss of flexion, 2 percent for loss of abduction, and 10 percent for resection acromioplasty. In total, Dr. Mooney opined a combined permanent impairment of 15 percent upper extremity or 9 percent whole person. Dr. Mooney opined no restrictions were necessary. While acknowledging patients who undergo Mumford procedures commonly continue to suffer with some degree of discomfort with sustained overhead motion, Dr. Mooney did not believe this symptom would restrict claimant from diesel mechanic duties, including heavy lifting. Dr. Mooney specifically opined claimant was capable of performing heavy physical demand work as a diesel mechanic, including a maximum lift of 75 pounds and an occasional lift of 50 pounds. (Ex. C, pp. 6-7)

At the time of evidentiary hearing, claimant continued to complain of left shoulder pain, with pain levels varying based on activity. In the event he holds his left arm still for a long period, claimant develops aching in the left shoulder. Claimant testified he is able to perform his work at SCSD, but noted some difficulty with certain custodial work tasks. Claimant testified he cannot use his left arm and shoulder in an unrestricted fashion, he cannot use the left arm throughout an entire day, cannot lift as much with the left arm as he could prior to the injury or as much as he can currently lift with the right arm, and is unable to hold his arm above his head or reach as long as he could prior to the injury. Specifically, claimant reported difficulty reaching up above shoulder level to clean light fixtures, mirrors or glass, or lifting tables above waist-height. (Claimant's testimony; Ex. F, Depo. Tr. pp. 4-7)

Claimant testified he is able to clean light fixtures, but indicated he works a bit slower than another employee may. Claimant testified he is able to hold his arm above his shoulder for approximately three to four minutes before he develops pain; eventually, he is unable to hold the arm in that position any longer. When using a broom or mop at work, he develops pain over time. Claimant testified he is able to mop for approximately 1 to 1 ¼ hours before he is required to take a break. Claimant testified his supervisors at SCSD are aware of his shoulder problems and have allowed him to take breaks as needed. Claimant testified he earned $26,000.00 or $27,000.00 at SCSD in the full year of 2013. During this year, claimant missed 11 days of work due to shoulder surgery. (Claimant's testimony)

Claimant testified his pain level varies throughout the day, increasing with activity and the cumulative effects of repeatedly using the left arm. Claimant's pain level can reach a 4 on a 10-point scale. Claimant does not take prescription medication; in the event claimant suffers with pain in his shoulder, he takes over-the-counter aspirin or ibuprofen. Claimant estimated taking medication approximately once or twice per week, a more frequent occurrence than prior to the work injury. (Claimant's testimony)

Claimant testified his current job at SCSD is less physically demanding than his prior job at defendant-employer. Claimant testified he would be unable to return to his previous position at defendant-employer due to the requirement of frequent heavy lifting. Claimant further testified while he worked as a mechanic for defendant-employer, he also occasionally drove a truck for defendant-employer. Claimant indicated such driving might pose a problem given claimant's current condition, depending on the type of vehicle driven. (Claimant's testimony)

Claimant lives on an acreage. He previously owned 12 or 13 cattle, which he raised and sold. He sold the animals in summer 2012 due to an inability to lift their food; he is uncertain if he would be capable of caring for the animals post-surgery. He previously owned four horses for pleasure. Claimant sold the animals in fall 2012 or spring 2013, as shoulder pain prohibited him from enjoying riding. Claimant performs snow removal with a tractor and mows only a small portion of his property; his children assist him with various tasks around the property. (Claimant's testimony)

David Peters, chief financial officer for Mesa Holdings LLC, testified at evidentiary hearing. Mesa Holdings LLC is the parent company of defendant-employer. Mr. Peters testified defendant-employer currently employs two diesel mechanics at an hourly wage of $16.50. Mr. Peters testified he believes this rate of pay represents the market rate for a certified diesel mechanic. (Mr. Peters' testimony)

Mr. Peters' testimony was clear and consistent. His physical presentation gave the undersigned no reason to doubt his veracity. Mr. Peters is found credible.

CONCLUSIONS OF LAW

The sole issue for determination is the extent of claimant's industrial disability.

Under the Iowa Workers' Compensation Act, permanent partial disability is compensated either for a loss or loss of use of a scheduled member under Iowa Code section 85.34(2)(a)-(t) or for loss of earning capacity under section 85.34(2)(u). The parties have stipulated claimant's disability shall be evaluated industrially.

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 R. Co., 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 the 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.

Claimant was 41 years of age at the time of evidentiary hearing. He attended high school through the 10th grade, but did not earn a diploma or GED. Thereafter, claimant attended vocational training in automotive mechanics, but did not procure a degree. At age 21, claimant procured a CDL license, which he has maintained since that time. Claimant has not pursued any additional formal education or training since that age.

On May 4, 2011, claimant sustained a stipulated work related injury. Although initially treated conservatively, claimant ultimately was diagnosed with tears of the rotator cuff and labrum of the left shoulder which necessitated surgical fixation. As a result of the injury, three physicians have opined claimant sustained permanent impairment and quantified the extent thereof. Dr. Pruitt opined claimant sustained a 12 percent left upper extremity or 7 percent whole person impairment for undergoing the surgical procedure. Drs. Bansal and Mooney opined claimant sustained a 15 percent left upper extremity or 9 percent whole person impairment for the surgical procedure and resultant loss of range of motion. It is determined claimant's functional loss is 9

percent whole person, consistent with the opinions of both Dr. Bansal and Dr. Mooney. Both physicians found claimant sustained the same numerical value of permanent impairment, based upon the factors of surgical procedure and range of motion. Dr. Pruitt's opinion does not include any impairment for loss of range of motion, a limitation noted by both IME physicians and claimant's credible testimony.

Dr. Pruitt opined claimant did not require permanent work restrictions as a result of the work injury. Dr. Mooney similarly opined no permanent work restrictions were required. Further, he specifically opined claimant was capable of performing heavy mechanic work, but acknowledged claimant would have symptomatology with certain activities. Dr. Bansal recommended permanent restrictions of no lifting greater than 25 pounds occasionally or 10 pounds frequently with the left arm, no lifting more than 10 pounds occasionally above shoulder level with the left arm, and no frequent pushing or pulling with the left arm.

The undersigned provides greater weight to the opinions of Dr. Pruitt and Dr. Mooney, in large part because Dr. Bansal's recommended restrictions would mean preclusion of claimant's prior work at defendant-employer. This finding would be somewhat inconsistent with the fact claimant continued to perform his work at defendant-employer for approximately one year following the injury, but before undergoing fixation. While the undersigned acknowledges claimant may have caused further worsening of his left shoulder during this year, if restrictions as severe as those set forth by Dr. Bansal were required after surgery, presumably significantly more stringent restrictions would have been required prior to surgery. This conclusion is simply contrary to claimant's ability to work for nearly one year. Furthermore, Dr. Pruitt acted as claimant's treating surgeon and therefore was in the best position to assess claimant's physical condition during surgery and over time. Dr. Pruitt's opinion is buttressed by that of Dr. Mooney, who acknowledged certain postures could cause increased symptomatology, but specifically opined claimant remained capable of heavy mechanic work.

Claimant's preinjury work history consists primarily of work as a laborer, truck driver and in equipment maintenance. The majority of these positions have been physically demanding. From 2004 to April 2012, when claimant left employment at defendant-employer, claimant worked as a mechanic. This work is heavy in nature and brought claimant the highest hourly wage of his working life, $21.50. Any negative impact upon claimant's ability to engage in such a field detrimentally effects claimant's earning capacity.

While in the initial healing period following his injury, defendant-employer offered claimant work. Claimant voluntarily left employment prior to undergoing surgery, thus claimant did not have the opportunity to return to defendant-employer and attempt his preinjury work. The undersigned adopted the opinions of Dr. Pruitt and Mooney in regard to claimant's need for permanent restrictions, thus supporting a finding claimant is not precluded from returning to his preinjury job. However, the undersigned acknowledges some of the heaviest tasks required as a mechanic may be beyond

claimant's limitations; a finding consistent with Dr. Mooney's acknowledgement of continued symptomatology with certain activities. Thus, while that majority of a diesel mechanic's duties may be within claimant's physical abilities, there may be certain activities he would be precluded from performing.

After leaving defendant-employer, claimant did not attempt to return to work as a diesel mechanic. However, he did show motivation to continued employment and secured work at SCSD. Claimant's hourly wages earned at SCSD are significantly less than his earnings at defendant-employer and in fact, are less than claimant's hourly wage at Shine Brothers dating back to 2010. However, as set forth *supra*, claimant is not wholly precluded from returning to work as a diesel mechanic and has not attempted to do so. Instead, claimant sought a position he felt was within his personal limitations and comfort. This is an acceptable action on claimant's part; however, the entirety of a reduction in earnings caused by claimant's choice to seek a lighter natured position is not properly attributable to defendants.

Upon consideration of the above and all other relevant factors of industrial disability, it is determined claimant sustained a 20 percent industrial disability as a result of the stipulated work-related injury of May 4, 2011. Such an award entitles claimant to 100 weeks of permanent partial disability benefits (20 percent x 500 weeks = 100 weeks), commencing on the stipulated date of June 14, 2013. The parties stipulated at the time of the work injury, claimant's gross weekly earnings were $1,169.07, and claimant was married and entitled to 3 exemptions. The proper rate of compensation is therefore, $741.69.

ORDER

THEREFORE, IT IS ORDERED:

Defendants shall pay unto claimant one hundred (100) weeks of permanent partial disability benefits commencing June 14, 2013 at the weekly rate of seven hundred forty-one and 69/100 dollars ($741.69).

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 receive credit for benefits paid.

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 pursuant to 876 IAC 4.33.

Signed and filed this 16th day of July, 2015.

ERICA J. FITCH
DEPUTY WORKERS'
COMPENSATION COMMISSIONER

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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 in writing and received by the commissioner's office 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 a legal holiday. The notice of appeal must be filed at the following address: Workers' Compensation Commissioner, Iowa Division of Workers' Compensation, 1000 E. Grand Avenue, Des Moines, Iowa 50319-0209.