

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

ROBERT SHRYOCK,	:	FILED
Claimant,	:	JUN 22 2016
vs.	:	WORKERS' COMPENSATION
M.H. EBY, INC.,	:	File No. 5046715
Employer,	:	A P P E A L
and	:	D E C I S I O N
SENTINEL INSURANCE CO.,	:	
Insurance Carrier,	:	
Defendants.	:	Head Note Nos.: 1803, 4000.2

Defendants M.H. Eby, Inc., employer, and its insurer, Sentinel Insurance Company, appeal from an arbitration decision filed on March 19, 2015. Claimant Robert Shryock responds to the appeal. The case was heard on February 26, 2015, and it was considered fully submitted in front of the deputy workers' compensation commissioner at the conclusion of the hearing.

The deputy commissioner awarded claimant 60 percent industrial disability, which entitles claimant to 300 weeks of permanent partial disability benefits at the weekly rate of \$471.82, commencing on the stipulated date of January 30, 2014, for the stipulated work injury of October 31, 2013. The deputy commissioner also awarded 12.5 weeks of penalty benefits totaling \$5,897.75. The deputy commissioner also awarded claimant's costs.

Defendants assert on appeal that the deputy commissioner erred in awarding 60 percent industrial disability. Defendants also assert the deputy commissioner erred in awarding penalty benefits.

Claimant asserts 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.

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 March 19, 2015, which relate to the issues properly raised on intra-agency appeal.

I find the deputy commissioner provided sufficient analysis of all 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 60 percent industrial disability, which entitles claimant to 300 weeks of permanent partial disability benefits commencing on January 30, 2014. I affirm the deputy commissioner's award of 12.5 weeks of penalty benefits totaling \$5,897.75. I affirm the deputy commissioner's findings, conclusions and analysis regarding those issues.

ORDER

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

1. Defendants shall pay claimant three hundred (300) weeks of permanent partial disability benefits at the stipulated rate of four hundred seventy-one and 82/100 dollars (\$471.82) per week from the stipulated date of January 30, 2014. Defendants shall pay accrued weekly benefits in a lump sum and defendants shall receive credit against this award for the fifty (50) weeks of benefits previously paid.

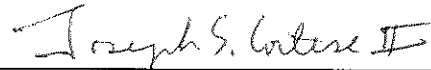
2. Defendants shall pay claimant as a penalty for an unreasonable delay in permanency benefits, the sum of five thousand eight hundred ninety-seven and 75/100 dollars (\$5,897.75).

3. Defendants shall pay interest on unpaid weekly benefits awarded herein pursuant to Iowa Code section 85.30

4. Pursuant to rule 876 IAC 4.33, defendants shall pay the costs of the arbitration proceeding and the costs of the appeal, including the cost of the hearing transcript.

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

Signed and filed this 22nd day of June, 2016.



JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

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