BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

TONY DANIELSON,

Claimant,

vs.

AMERICAN ORDNANCE,

Employer,

and

NEW HAMPSHIRE INSURANCE COMPANY,

Insurance Carrier,
Defendants.

File Nos. 5047294, 5051683

ARBITRATION DECISION

Head Note Nos.: 1108, 1803

STATEMENT OF THE CASE

The claimant, Tony Danielson, filed two petitions for arbitration seeking workers' compensation benefits from American Ordnance, employer, and New Hampshire Insurance Company, insurance carrier. The claimant was represented by James Hoffman. The defendants were represented by Jean Dickson.

The matter came on for hearing on June 28, 2017, before Deputy Workers' Compensation Commissioner Joe Walsh in Des Moines, Iowa. The record in the case consists of Joint Exhibits 1 through 13 and Defense Exhibits A through G. The claimant testified under oath at hearing, in addition to his spouse, Kimberly Danielson and supervisor, Tim Minton. Amy Pederson was appointed to serve as the court reporter for the proceedings. The matter was fully submitted on July 31, 2017, after helpful briefing by the parties.

The parties submitted the following issues for determination and stipulations in relation to File No. 5047294:

ISSUES

1. Whether the claimant sustained a cumulative injury to his bilateral hand/arms which arose out of and in the course of his employment on January 2, 2014. The defendants dispute that the claimant has suffered a work injury.

2. Whether the alleged injury is a cause of temporary or permanent disability.

3. Whether the claimant is entitled to any permanency benefits. The claimant has alleged he sustained an industrial disability and the commencement date for benefits is January 3, 2014. Defendants deny this.

STIPULATIONS

1. The parties had an employer-employee relationship at the time of the alleged injury.

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

3. The weekly rate of compensation is $613.21.

4. Affirmative defenses are waived.

5. Defendants have paid and are entitled to a credit of 20 weeks of compensation (permanent partial disability).

The parties submitted the following issues for determination and stipulations in relation to File No. 5051683:

ISSUES

1. The nature and extent of claimant's industrial disability from his right shoulder injury.

2. The claimant's gross wages at the time of his injury.

3. Whether the claimant is entitled to temporary partial disability benefits between April 2, 2014, and January 3, 2017.

STIPULATIONS

1. The parties had an employer-employee relationship at the time of the alleged injury.

2. The claimant sustained an injury to his right shoulder which arose out of and in the course of his employment on March 21, 2014.

3. The claimant has suffered a permanent industrial disability as a result of his stipulated work injury.

4. The commencement date for permanency benefits is March 22, 2014.

5. Affirmative defenses are waived.

6. Medical expenses are not disputed.

7. At the time of the hearing, claimant was married and entitled to two exemptions.

8. Defendants have paid and are entitled to a credit of 20 weeks of compensation (permanent partial disability).

9. Defendants have asserted entitlement to apportionment and/or credit for benefits paid.

FINDINGS OF FACT

Claimant, Tony Danielson, was 56 years old as of the date of hearing. He was employed by American Ordnance. Mr. Danielson testified live and under oath at hearing. (Transcript, page 11) I find his testimony to be generally credible. His testimony was consistent with the medical records in the file. His testimony at hearing was consistent with his deposition testimony. (Defendants' Exhibit D) There was nothing about his demeanor which caused the undersigned any concern regarding his truthfulness.

Mr. Danielson was employed as a production operator for American Ordnance. He has worked at the plant since 2001. American Ordnance assembles munitions. His job duties consisted of unloading boxes and assembling components. He described his duties as follows.

> The main thing is we do a lot of lifting. I've done lifting with 50-pound boxes. They're very repetitive, flipping those boxes over, lifting those [*sic*] those off, checking them. They had staples in them. And so you have to pull all those up with your fingertip, and you have to take and move those box covers, put box covers on.

(Tr., p. 14) His work tasks were quite varied based upon production needs. (Tr., pp. 49-51)

Mr. Danielson had developed pain in his wrists which manifested in a work injury claim in 2008. That claim was resolved through a compromise special case settlement in March 2010. (Def. Ex. C) Mr. Danielson had been treated with bilateral carpal tunnel release surgeries. (Def. Ex. C, p. 3) The treatment was generally effective as he returned to work without restrictions. He was released from medical care by Theron Jameson, M.D., in approximately September 2009. Mr. Danielson did not fully recover from his alleged bilateral hand injury and had some residual pain following his release from medical care. (Tr., p. 16)

Mr. Danielson's bilateral hand pain worsened over the next couple of years, particularly when performing pinching activities. (Tr., p. 16) He resisted seeking medical treatment for this until the pain became too much. On November 5, 2013,

Mr. Danielson sought medical treatment for his bilateral hands and thumbs through Roger Nevling, PA-C. Mr. Nevling is a physician assistant who actually works in the plant. (Tr., p. 17) "Here today at AO c/o bilateral hand and thumb discomfort that has been bothering him since he performed a job once where he had to pinch the edges of a bag and hold it open while he put C4 into the bags." (Jt. Ex. 1, p. 2) His examination was fairly "benign" and he was diagnosed with overuse of the hands. He was treated conservatively with soft splinting, icing and over-the-counter medications. On November 14, 2013, the problem persisted and Mr. Nevling considered referral to a hand specialist and placed some common sense restrictions. (Jt. Ex. 1, p. 2) Nerve conduction studies were performed which were within normal limits. (Jt. Ex. 1, p. 2) He was referred to the Steindler Clinic.

On January 2, 2014, Mr. Danielson was evaluated by Brian Wills, M.D., at Steindler Clinic. Dr. Wills took a full history from the claimant.

> The patient is a 53 year old male seen today for the above. He is here today independently. He has a very complicated history involving the bilateral hands and wrists. He underwent staged bilateral carpal tunnel releases by Dr. Jamison in 2009. These were performed as part of a Worker's [*sic*] Compensation claim. He states that he has had pain at the bases of the risks [*sic*] prior to the surgery and that this pain and discomfort persisted afterwards. He feels that he has developed scar tissue at the bases of the thumbs on the radial sides of the incisions that has persisted since his surgery. He additionally notes numbness in the bases of the palms about the incisions. . . . He notes that he has had a several year history of pain at the base of the thumbs with pinching activities. The more pinching and gripping he does, the worse his symptoms. This has been going on since his carpal tunnel releases in 2009, but he did not report it to his employer until more recently. He finds that the left side is more involved than the right. He is, however, right-hand dominant.

(Jt. Ex. 2, p. 1) Dr. Wills diagnosed continued pillar pain and scar tissue following open carpal tunnel releases, as well as bilateral thumb CMC osteoarthritis. (Jt. Ex. 2, p. 1) He was provided with braces to be worn at night and recommended conservative treatment. (Jt. Ex. 2, p. 4) Dr. Wills originally recommended some work restrictions, however, the employer took the position these restrictions could not be accommodated and sent him home. After reconsideration, Dr. Wills did not recommend any work restrictions. (Jt. Ex. 2, p. 5)

Mr. Danielson did not have any further treatment for his bilateral hands after this. (Jt. Ex. 1, p. 5) He was evaluated, however, by Richard Neiman, M.D., at his attorney's request in January 2016, and again in May 2017. Dr. Neiman evaluated the condition in claimant's bilateral ulnar nerves and assigned an impairment rating of 17 percent of the whole body rating. This apparently reflected an 11 percent on one side and 7 on the other, although his opinion is somewhat confusing. (Jt. Ex. 9, p. 3) Dr. Neiman did not

recommend any further treatment for the bilateral ulnar nerves.

On March 21, 2014, Mr. Danielson suffered an injury which arose out of and in the course of his employment. He was throwing bags weighing 15 to 20 pounds into a dumpster. He felt a pop in his right shoulder and his arm went numb. (Tr., pp. 21-22) He reported the injury right away and was sent to Mr. Nevling on April 10, 2014. Mr. Danielson testified that he went on light-duty right away, approximately April 2, 2014, and remained on light-duty through January 2017. (Tr., pp. 23-24) Mr. Nevling diagnosed a shoulder strain and recommended conservative treatment. (Jt. Ex. 1, p. 6) In May 2014, an MRI was sought. It showed a full thickness rotator cuff tear and a probable labrum tear. (Jt. Ex. 1, p. 8; Jt. Ex. 3) He was sent to physical therapy and referred for orthopedic care.

After having causation issues reviewed, Mr. Danielson was eventually referred to Atiba Jackson, M.D., in August 2014. (Jt. Ex. 5, p. 1) Dr. Jackson performed surgery in November 2014. (Jt. Ex. 5, p. 3) Mr. Danielson followed up with Dr. Jackson for several months and received more physical therapy. (Jt. Ex. 5, pp. 4-8) The shoulder pain; however, persisted despite other treatment efforts, including an injection. In June 2015, Dr. Jackson sought a second opinion from another shoulder specialist. (Jt. Ex. 5, p. 10)

After seeing other physicians for evaluation, care was referred to Mark Mysnyk, M.D., in August 2016. (Jt. Ex. 10) Dr. Mysnyk offered another surgery described as subacromial decompression. (Jt. Ex. 10, p. 3) This was performed on September 8, 2016. (Jt. Ex. 10, p. 5; Jt. Ex. 11) Appropriate follow up care was performed. Dr. Mysnyk released Mr. Danielson on January 3, 2017. At that time, he documented the following.

> Continued right shoulder pain 6 months status post right shoulder arthroscopy and open subacromial decompression and labral debridement and biceps tenotomy. It is possible he may improve over the next 6 months. Clinically, his strength has improved tremendously more than his symptoms have improved—his symptoms have not improved at all according to his report. He is still limited in all his activities due to pain and fatigueability.

(Jt. Ex. 10, p. 8) Dr. Mysnyk assigned work restrictions as follows. "May lift 2-3 pounds away from his body occasionally. No lifting restrictions with his arms by his side." (Jt. Ex. 10, p. 9) In February 2017, Dr. Mysnyk provided a 4 percent whole body impairment rating related to the right shoulder condition. (Jt. Ex. 10, p. 10) A functional capacity evaluation (FCE) was performed in February 2017.

Dr. Neiman also evaluated claimant's right shoulder condition in January 2016 and May 2017. He ultimately opined claimant suffered an 11 percent whole person impairment as a result of his left shoulder condition and recommended further evaluation. (Jt. Ex. 9, p. 6) He recommended claimant not perform any overhead lifting

and avoid excessive flexion, extension, abduction, adduction and rotation of his shoulder. (Jt. Ex. 9, p. 7) "Hopefully, he can find a position for at work since certain activities are certainly not possible with physical activity above the shoulder level." (Jt. Ex. 9, p. 7)

Mr. Danielson and his wife testified extensively about his disabilities. He cannot raise his right arm (at the elbow) above his chest level. He cannot extend his arm straight, either in front of him or to the side, if he is holding any significant amount of weight. He cannot rotate his arm or even reach behind him to scratch his back or perform basic hygiene functions with his right arm. He cannot perform any overhead work with his right arm. I find his right arm and shoulder are significantly impaired as a result of his March 2014, work injury.

At the time of hearing, claimant was still employed for American Ordnance, earning $20.50 per hour. At the time of his work injury, he was earning $18.56 per hour. (Def. Ex. F) His supervisor testified that claimant is able to work with accommodations. (Tr., pp. 81-82) Mr. Danielson testified he feels his job is quite tenuous. He is required to bid his job every six months. (Tr., p. 34) At the time of hearing, he was performing some type of lighter duty work which he described as "layering." (Tr., pp. 51-53) "Everything I do now is with alligator arms. I never extend. I don't have to extend." (Tr., p. 52)

The claimant testified he was not allowed overtime during his entire period of recuperation from the date of his injury through his release by Dr. Mysnyk. (Tr., p. 37)

CONCLUSIONS OF LAW

File No. 5047294

The first question is whether the claimant sustained an injury which arose out of and in the course of his employment which manifested on or about January 2, 2014, the first date he saw an orthopedic specialist for his bilateral hands and wrists.

The claimant has the burden of proving by a preponderance of the evidence that the alleged injury actually occurred and that it both arose out of and in the course of the employment. Quaker Oats Co. v. Ciha, 552 N.W.2d 143 (Iowa 1996); Miedema v. Dial Corp., 551 N.W.2d 309 (Iowa 1996). The words "arising out of" referred to the cause or source of the injury. The words "in the course of" refer to the time, place, and circumstances of the injury. 2800 Corp. v. Fernandez, 528 N.W.2d 124 (Iowa 1995). An injury arises out of the employment when a causal relationship exists between the injury and the employment. Miedema, 551 N.W.2d 309. The injury must be a rational consequence of a hazard connected with the employment and not merely incidental to the employment. Koehler Elec. v. Wills, 608 N.W.2d 1 (Iowa 2000); Miedema, 551 N.W.2d 309. An injury occurs "in the course of" employment when it happens within a period of employment at a place where the employee reasonably may be when

performing employment duties and while the employee is fulfilling those duties or doing an activity incidental to them. Ciha, 552 N.W.2d 143.

The claimant has the burden of proving by a preponderance of the evidence that the injury is a proximate cause of the disability on which the claim is based. A cause is proximate if it is a substantial factor in bringing about the result; it need not be the only cause. A preponderance of the evidence exists when the causal connection is probable rather than merely possible. George A. Hormel & Co. v. Jordan, 569 N.W.2d 148 (Iowa 1997); Frye v. Smith-Doyle Contractors, 569 N.W.2d 154 (Iowa App. 1997); Sanchez v. Blue Bird Midwest, 554 N.W.2d 283 (Iowa App. 1996).

The question of causal connection is essentially within the domain of expert testimony. The expert medical evidence must be considered with all other evidence introduced bearing on the causal connection between the injury and the disability. Supportive lay testimony may be used to buttress the expert testimony and, therefore, is also relevant and material to the causation question. The weight to be given to an expert opinion is determined by the finder of fact and may be affected by the accuracy of the facts the expert relied upon as well as other surrounding circumstances. The expert opinion may be accepted or rejected, in whole or in part. St. Luke's Hosp. v. Gray, 604 N.W.2d 646 (Iowa 2000); IBP, Inc. v. Harpole, 621 N.W.2d 410 (Iowa 2001); Dunlavey v. Economy Fire and Cas. Co., 526 N.W.2d 845 (Iowa 1995). Miller v. Lauridsen Foods, Inc., 525 N.W.2d 417 (Iowa 1994). Unrebutted expert medical testimony cannot be summarily rejected. Poula v. Siouxland Wall & Ceiling, Inc., 516 N.W.2d 910 (Iowa App. 1994).

A personal injury contemplated by the workers' compensation law means an injury, the impairment of health or a disease resulting from an injury which comes about, not through the natural building up and tearing down of the human body, but because of trauma. The injury must be something that acts extraneously to the natural processes of nature and thereby impairs the health, interrupts or otherwise destroys or damages a part or all of the body. Although many injuries have a traumatic onset, there is no requirement for a special incident or an unusual occurrence. Injuries which result from cumulative trauma are compensable. Increased disability from a prior injury, even if brought about by further work, does not constitute a new injury, however. St. Luke's Hosp. v. Gray, 604 N.W.2d 646 (Iowa 2000); Ellingson v. Fleetguard, Inc., 599 N.W.2d 440 (Iowa 1999); Dunlavey v. Economy Fire and Cas. Co., 526 N.W.2d 845 (Iowa 1995); McKeever Custom Cabinets v. Smith, 379 N.W.2d 368 (Iowa 1985). An occupational disease covered by chapter 85A is specifically excluded from the definition of personal injury. Iowa Code section 85.61(4)(b); Iowa Code section 85A.8; Iowa Code section 85A.14.

When the injury develops gradually over time, the cumulative injury rule applies. The date of injury for cumulative injury purposes is the date on which the disability manifests. Manifestation is best characterized as that date on which both the fact of injury and the causal relationship of the injury to the claimant's employment would be plainly apparent to a reasonable person. The date of manifestation inherently is a fact

based determination. The fact-finder is entitled to substantial latitude in making this determination and may consider a variety of factors, none of which is necessarily dispositive in establishing a manifestation date. Among others, the factors may include missing work when the condition prevents performing the job, or receiving significant medical care for the condition. For time limitation purposes, the discovery rule then becomes pertinent so the statute of limitations does not begin to run until the employee, as a reasonable person, knows or should know, that the cumulative injury condition is serious enough to have a permanent, adverse impact on his or her employment. Herrera v. IBP, Inc., 633 N.W.2d 284 (Iowa 2001); Oscar Mayer Foods Corp. v. Tasler, 483 N.W.2d 824 (Iowa 1992); McKeever Custom Cabinets v. Smith, 379 N.W.2d 368 (Iowa 1985).

In cumulative injury cases, the issue of causal connection is closely connected with the question of whether the worker suffered an injury which arose out of and in the course of employment. The burden is on the claimant to demonstrate that his work activities caused or materially aggravated a specific medical condition. In this case, Mr. Danielson had undergone bilateral carpal tunnel surgeries in 2009. He never fully healed from this injury. While there is no doubt that his continued repetitive work activities aggravated the symptoms in his bilateral hands, it is impossible in this record to differentiate between his symptoms following the recuperation from his 2009 surgeries and any "new" injury.

Claimant's counsel correctly argues that defendants would be entitled to no credit from the 2010 special case settlement. Nevertheless, no physician, including Dr. Neiman, specifically opined that claimant's work activities after recuperation from the 2009 carpal tunnel surgeries, substantially or materially aggravated or lit up the conditions in his bilateral hands and wrists. In fact, Dr. Wills opined the opposite. He essentially opined claimant's condition related back to the earlier alleged injury which was settled. (Jt. Ex. 2, pp. 1, 4) Mr. Danielson did have an increase in his symptoms to the point where he sought some additional treatment. I do believe him. That is to say, I believe that he subjectively had increased symptoms in his bilateral hands from activity. He has, however, failed to meet his burden of proof that this qualified as a new, distinct injury which arose out of and in the course of his employment. More precisely stated, he failed to demonstrate by a preponderance of evidence, that the current condition in his bilateral hands is causally connected to a January 2014, cumulative work injury.

File No. 5051683:

The first question revolves around the claimant's gross wages for purposes of calculating his rate of compensation.

Section 85.36 states the basis of compensation is the weekly earnings of the employee at the time of the injury. The section defines weekly earnings as the gross salary, wages, or earnings to which an employee would have been entitled had the employee worked the customary hours for the full pay period in which injured as the employer regularly required for the work or employment. The various subsections of

section 85.36 set forth methods of computing weekly earnings depending upon the type of earnings and employment.

It is the claimant's burden to prove the correct rate of compensation.

Defendants have provided wage and rate calculations as set forth in Defendants' Exhibit G. These records demonstrate average weekly earnings in the amount of $805.00 per week (rounded up to the nearest dollar). I have no basis in this record, to dispute these calculations. While it is possible that these wages were deflated for some reason, there is no doubt that this is the best evidence in the record of claimant's gross wages at the time of injury. I find that claimant's wages were $805.00 per week.

The next issue is whether claimant is entitled to any temporary partial disability benefits.

An employee is entitled to appropriate temporary partial disability benefits during those periods in which the employee is temporarily, partially disabled. An employee is temporarily, partially disabled when the employee is not capable medically of returning to employment substantially similar to the employment in which the employee was engaged at the time of the injury, but is able to perform other work consistent with the employee's disability. Temporary partial benefits are not payable upon termination of temporary disability, healing period, or permanent partial disability simply because the employee is not able to secure work paying weekly earnings equal to the employee's weekly earnings at the time of the injury. Section 85.33(2).

If an employee is entitled to temporary partial benefits under subsection 3 of this section, the employer for whom the employee was working at the time of injury shall pay to the employee weekly compensation benefits, as provided in section 85.32, for and during the period of temporary partial disability. The temporary partial benefit shall be 66 ⅔ percent of the difference between the employee's weekly earnings at the time of injury, computed in compliance with section 85.36, and the employee's actual gross weekly income from employment during the period of temporary partial disability. If, at the time of injury, an employee is paid on the basis of the output of the employee, with a minimum guarantee pursuant to a written employment agreement, the minimum guarantee shall be used as the employee's weekly earnings at the time of injury. However, the weekly compensation benefits shall not exceed the payments to which the employee would be entitled under section 85.36 or section 85.37, or under subsection 1 of this section. Section 85.33(4).

Claimant alleges he is entitled to temporary partial disability benefits, essentially from the time of his right shoulder injury through the date he reached maximum medical improvement, January 2, 2017. The claimant, however, has only demonstrated average weekly earnings at the time of injury in the amount of $805.00 per week. The wage records provided by the employer demonstrate that even while working only 40 hours per week most weeks, he generally earned $820.00 per week following the injury. (Def. Ex. F) The claimant has failed to meet his burden of proof regarding temporary partial

disability.

The final question is the nature and extent of claimant's industrial disability. The parties have stipulated claimant suffered a permanent industrial disability in his right shoulder, the question is the extent.

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.

Although claimant is close to a normal retirement age, proximity to retirement cannot be considered in assessing the extent of industrial disability. Second Injury Fund v. Nelson, 544 N.W. 2d 258 (Iowa 1995). However, this agency does consider voluntary retirement or withdrawal from the work force unrelated to the injury. Copeland v. Boones Book and Bible Store, File No. 1059319, (Appeal Decision November 6, 1997). Loss of earning capacity due to voluntary choice or lack of motivation is not compensable. Id.

In this case it is also important to note, industrial disability is evaluated without respect to accommodations which are (or are not) made by an employer. The Iowa Supreme Court views "loss of earning capacity in terms of the injured worker's present ability to earn in the competitive job market without regard to the accommodation furnished by one's present employer." Thilges v. Snap-On Tools, 528 N.W.2d 614, 617 (Iowa 1995).

I conclude Mr. Danielson has suffered a significant loss of earning capacity. Defendants argue that claimant's complaints are primarily subjective in nature. He has not, at the present time, suffered a significant loss of actual wages, although he has been unable to work overtime during his period of recuperation over the past three years.

Mr. Danielson's right shoulder impairment itself is quite severe. I find the 11 percent rating from Dr. Neiman to be more compelling than the rating from Dr. Mysnyk. It better reflects his actual loss of function and ongoing symptoms. His restrictions are not subjective at all. Dr. Mysnyk recommended that claimant lift no more than 2-3 pounds away from his body occasionally. This is a devastating restriction for a 56-year-old production worker. Dr. Neiman's recommended restrictions of "no overhead lifting and avoid excessive flexion, extension, abduction, adduction and rotation of his shoulder" are probably an accurate reflection of his actual abilities. Mr. Danielson testified he is unable to reach above his head with his right arm. He cannot hold any significant weight away from his body and he is unable to even scratch his back with his right arm. These are significant limitations which are objectively devastating to his vocational prospects in the competitive job market. He had hoped to be able to perform remodeling projects in his retirement, which is impossible now.

Fortunately for all parties, at the time of hearing, he remained gainfully employed. He was able to perform lighter work with accommodations. He testified that he subjectively felt as though his job was tenuous due to the requirement that he rebid his job every six months. Given his significant limitations, I conclude his concerns are not merely speculation. Mr. Danielson was 56 years old as of the date of hearing. While he possesses a number of skills which make him well-suited to earn good wages in manual labor positions, he has few transferable skills outside of manual labor. There are numerous positions for his employer he is no longer able to perform. If he were unable to continue working for this employer, his disability would be a catastrophe. His best hope is that his employer is able to continue to accommodate his restrictions through his retirement. His vocational prospects outside of his current employer would be bleak at best.

Considering all of the factors of industrial disability, I find that claimant has suffered a 45 percent loss of earning capacity in the competitive job market. This finding entitles claimant to 225 weeks of benefits.

ORDER

THEREFORE IT IS ORDERED

For File No. 5047294:

Claimant shall take nothing.

For File No. 5051683:

Defendants shall pay the claimant two hundred and twenty-five (225) weeks of permanent partial disability benefits at the rate of five hundred and twenty-one and 54/100 ($521.54) per week commencing March 22, 2014.

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 twenty (20) weeks previously 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.

Signed and filed this 7th day of March, 2018.

JOSEPH L. WALSH
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.