

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

KATHERYN HARRINGTON,	:	
	:	
Claimant,	:	File No. 5064753
	:	
vs.	:	A P P E A L
	:	
UNITYPOINT HEALTH-DES MOINES,	:	D E C I S I O N
	:	
Employer,	:	
Self-Insured,	:	
Defendant.	:	Head Notes: 1402.40; 1803; 2907; 5-9998

Claimant Katheryn Harrington appeals from an arbitration decision filed on November 4, 2019. Defendant UnityPoint Health, self-insured employer, responds to the appeal. The case was heard on August 27, 2019, and it was considered fully submitted in front of the deputy workers' compensation commissioner on September 13, 2019.

The deputy commissioner found claimant failed to carry her burden of proof to establish she sustained permanent disability as a result of the stipulated work injury which occurred on October 4, 2017. The deputy commissioner found claimant is not entitled to receive permanent disability benefits for the work injury. 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 she sustained permanent disability as a result of the work injury. Claimant asserts the deputy commissioner erred in finding claimant is not entitled to receive permanent disability benefits for the work injury. Claimant asserts the deputy commissioner erred in ordering the parties to pay their own costs of the arbitration proceeding.

Defendant 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.

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 November 4, 2019, which relate to the issues properly raised on intra-agency appeal.

I find the deputy commissioner provided a well-reasoned 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 finding that claimant failed to prove she sustained permanent disability as a result of the work injury. I affirm the deputy commissioner's finding that claimant is not entitled to receive permanent disability benefits for the work injury. 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 those issues.

ORDER

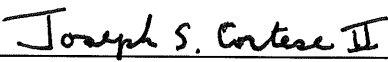
IT IS THEREFORE ORDERED that the arbitration decision filed on November 4, 2019, is affirmed in its entirety.

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, including the cost of the hearing transcript.

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

Signed and filed on this 29th day of June, 2020.



JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

The parties have been served as follows:

Eric Loney (via WCES)

Jennifer Clendenin (via WCES)