

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

CARL CROUCH,
Claimant,

vs.

SWINE GRAPHICS ENTERPRISES, L.P.:
Employer,

and

NATIONWIDE AGRIBUSNIESS,
Insurance Carrier,
Defendants.

File No. 5038270

APPEAL
DECISION

FILED

APR 19 2016

WORKERS' COMPENSATION

Head Note Nos.: 1802, 4100, 2501,
4000.2

Defendants, Swine Graphics Enterprises, L.P., employer, and Nationwide Agribusiness, workers' compensation insurer, appeal from an arbitration decision filed on December 23, 2014. Claimant does not cross-appeal. The case was heard on January 13, 2014, and was considered fully submitted on April 18, 2014, in front of Deputy Workers' Compensation Commissioner Michelle McGovern. By order of delegation of authority, Deputy Workers' Compensation Commissioner James Christenson was appointed to prepare the findings of facts and the proposed decision in this matter. The deputy commissioner awarded claimant an eighty percent industrial disability. Defendants asserts on appeal that the deputy commissioner erred in finding claimant sustained a loss of earning capacity of eighty percent. Defendants further asserted on appeal the deputy commissioner erred in finding defendants were liable for a penalty under Iowa Code section 86.13. The detailed arguments of the parties have been considered and the record of evidence has been reviewed de novo.

Pursuant to Iowa Code sections 86.24 and 17A.5, I affirm and adopt as the final agency decision those portions of the proposed arbitration decision filed on December 23, 2014, that relate to the issues properly raised on intra-agency appeal without additional comment.

ORDER

IT IS THEREFORE ORDERED that the arbitration decision of December 23, 2014, is AFFIRMED.

Defendants shall pay the costs of the appeal, including the preparation of the hearing transcript.

Signed and filed this 19th day of April, 2016.



ERIN Q. PALS
DEPUTY WORKERS' COMPENSATION
COMMISSIONER

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