

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

 DANIJEL BANJANIN,

Claimant,

vs.

BISHOP DRUMM RETIREMENT CTR.,

Employer,

INDEMNITY INS. CO. OF N.A.,

Insurance Carrier,
Defendants.File Nos.: 5067885, 5067886,
5068828

A P P E A L

D E C I S I O N

Head Notes: 1100, 1108

Claimant Danijel Banjanin appeals from an arbitration decision filed on September 28, 2020. Defendants Bishop Drumm Retirement Center, employer, and Indemnity Insurance Company of North America, insurer, respond to the appeal. The case was heard on December 16, 2019, and it was considered fully submitted in front of the deputy workers' compensation commissioner on February 11, 2020.

On February 15, 2020, the Iowa Workers' Compensation Commissioner delegated authority to the undersigned to enter a final agency decision in this matter. Therefore, this appeal decision is entered as final agency action pursuant to Iowa Code section 17A.15(3) and Iowa Code section 86.24.

In the arbitration decision, the deputy commissioner determined claimant failed to meet his burden to prove he suffered an injury arising out of the course of his employment on April 20, 2018 (file number 5067886), August 6, 2018 (file number 5067885), or May 23, 2019 (file number 5068828). In doing so, the deputy commissioner found claimant was not an entirely reliable witness.

On appeal, claimant asserts the deputy commissioner erred in determining claimant did not sustain work-related injuries on the dates alleged. Claimant asserts he is entitled to both temporary and permanent disability benefits, penalty benefits, and reimbursement for medical expenses as a result of the alleged injuries.

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 September 28, 2020, 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 meet his burden to prove he sustained injuries arising out of and in the course of his employment on April 20, 2018, August 6, 2018 or May 23, 2019.

The deputy commissioner found claimant to be a less-than-credible witness. While I performed a de novo review, I give considerable deference to findings of fact that are impacted by the credibility findings, expressly or impliedly made, by the deputy commissioner who presided at the arbitration hearing. I find nothing in the evidentiary record to make me question the deputy commissioner's credibility determination.

I affirm the deputy commissioner's findings, conclusions and analysis regarding the above-stated issues.

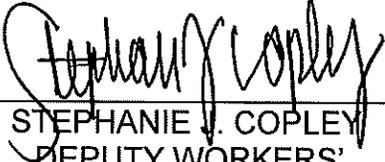
ORDER

IT IS THEREFORE ORDERED that the arbitration decision filed on September 28, 2020, is affirmed in its entirety.

Claimant shall take nothing from these proceedings.

Pursuant to rule 876 IAC 4.33, each party shall pay their own costs of the arbitration proceeding, and claimant shall bear the cost of the appeal, including the cost of the hearing transcript.

Signed and filed this 25th day of February, 2021.


STEPHANIE J. COPLEY
DEPUTY WORKERS'
COMPENSATION COMMISSIONER

The parties have been served as follows:

Robert E. Tucker (Via WCES)

Charles Cutler (Via WCES)