

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

BRENDA CHILTON,

Claimant,

vs.

HORMEL FOODS CORP.,

Employer,  
Self-Insured,  
Defendant.

File No. 5042244

A P P E A L

D E C I S I O N

**FILED**

**NOV 30 2015**

WORKERS' COMPENSATION

Head Note Nos.: 1803, 2501, 2701

Claimant, Brenda Chilton, appeals from an arbitration decision filed October 9, 2014. The case was heard on March 7, 2014, and it was considered fully submitted on April 1, 2014, in front of deputy workers' compensation commissioner Michelle McGovern. On September 25, 2014, this matter was delegated to Deputy Workers' Compensation Commissioner James F. Christensen, who then issued the arbitration decision on October 9, 2014.

The deputy commissioner determined claimant is entitled to 15 percent industrial disability. The deputy commissioner also determined claimant is entitled to payment of medical expenses with Mercy Ruan Neurology Center in the amount of \$1,538.40. The deputy commissioner also determined claimant is entitled to payment of the charge for an MRI performed on June 3, 2010. The deputy commissioner also determined claimant is entitled to alternate medical care with Mercy Ruan Neurology Center.

Claimant asserts on appeal that the deputy commissioner erred in awarding only 15 percent industrial disability. Claimant asserts she has sustained industrial disability of 50 percent. Claimant also asserts that the deputy commissioner erred in not awarding expenses for prescriptions filled by Hy-Vee Pharmacy which are itemized in exhibit 5, page 18. Defendant asserts that the findings of the deputy commissioner should be affirmed on appeal.

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 86.24 and 17A.5, I affirm and adopt as the final agency decision those portions of the proposed arbitration decision filed on October 9, 2014, that relate to issues properly raised on intra-agency appeal without additional comment.

ORDER

IT IS THEREFORE ORDERED that the arbitration decision of October 9, 2014, is affirmed in its entirety.

Claimant shall pay the costs of the appeal, including the cost of the hearing transcript.

Signed and filed this 30<sup>th</sup> day of November, 2015.



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JOSEPH S. CORTESE II  
WORKERS' COMPENSATION  
COMMISSIONER

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