

injury. Claimant argues he sustained a substantial industrial disability as a result of his physical-mental injury and unscheduled skin injury.

On cross-appeal, defendants argue the deputy erred in finding claimant sustained any permanent impairment to his left arm.

I performed a de novo review of the evidentiary record before the presiding deputy workers' compensation commissioner and the detailed arguments of the parties. Pursuant to Iowa Code section 86.24 and 17A.15, those portions of the proposed arbitration decision filed on March 30, 2018 that relate to issues properly raised on intra-agency appeal and cross-appeal are affirmed in their entirety with additional analysis regarding the scarring issue:

Claimant in his appeal brief cites several cases as support for his assertion that skin and burn injuries have previously been treated as unscheduled injuries by this agency. Several of these cases, however, addressed conditions, such as dermatitis, that can move around the body from one location to another, unlike permanent burn scars. See Hoefler v. CB Richard Ellis, Inc., File No. 5052635 (App. April 18, 2018) (affirming award of industrial disability benefits for dermatitis, which developed as sequela of eye injury); Tarpeh v. TPI Composites, File Nos. 5056435, 5056436 (Arb. Oct. 31, 2017) (awarding industrial disability benefits for dermatitis). I agree with the deputy commissioner that there is a difference between skin disorders that are not permanently located in a particular area, such as dermatitis or psoriasis, and permanent burn scars. For this reason, I do not find these cases persuasive.

Several additional cases cited by claimant were based on stipulations from the parties that the injuries sustained were unscheduled injuries. See Trott v. BTR Dunlop, File No. 1228493 (Arb. April 24, 2001) (noting parties' stipulation that injury was whole body injury because claimant "sustained blood and nervous system damage"); Sarkic v. Young Plumbing & Heating Co., File Nos. 5005654, 5005655 (Arb. Jan. 9, 2004) (noting parties' stipulation that claimant's burn "should be compensated by the industrial method"). Because these cases were based on the parties' stipulations and not agency findings, I likewise do not find them persuasive.

With this additional analysis, the deputy commissioner's determination that claimant's burn scars are limited to his left arm and did not affect the function to any unscheduled part of his body is affirmed.

The deputy commissioner's remaining findings, conclusions, and rationale are affirmed without additional comment.

ORDER

IT IS THEREFORE ORDERED that the arbitration decision filed on March 30, 2018 is affirmed its in entirety with the above-stated additional analysis.

Defendants shall pay claimant twelve point five (12.5) weeks of permanent partial disability benefits at the stipulated rate of five hundred fifty-six and 46/100 dollars (\$556.46) per week beginning on the stipulated commencement date of January 2, 2014.

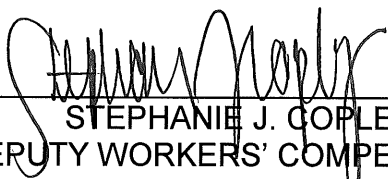
Defendants shall pay accrued weekly benefits in a lump sum together with interest at the rate of ten (10) percent for all weekly benefits payable and not paid when due which accrued before July 1, 2017, and all interest on past due weekly compensation benefits accruing on or after July 1, 2017, shall be payable at an annual rate equal to the one-year treasury constant maturity published by the federal reserve in the most recent H15 report settled as of the date of injury, plus two (2) percent. See Gamble v. AG Leader Technology, File No. 5054686 (App. Apr. 24, 2018).

That defendant shall pay costs of: one hundred and no/100 dollars (\$100.00) for the filing fee; one hundred five and 35/100 dollars (\$105.35) for the cost of claimant's deposition transcript; and, six hundred and no/100 dollars (\$600.00) for the report of Dr. Christiansen.

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

The parties shall split the cost of this appeal, including the preparation of the hearing transcript.

Signed and filed this 10th day of June, 2019.



STEPHANIE J. COPLEY
DERUTY WORKERS' COMPENSATION
COMMISSIONER

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