

## BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

---

MELISSA GOSS,	:	File No. 5051761
	:	
Claimant,	:	A P P E A L
	:	
vs.	:	D E C I S I O N
	:	
SECOND INJURY FUND OF IOWA,	:	
	:	Head Note Nos: 1108.50; 1402.20;
Defendant.	:	1402.40; 3202; 5-9998

---

Claimant Melissa Goss appeals from an arbitration decision filed on July 24, 2018. Defendant Second Injury Fund of Iowa (the Fund) responds to the appeal. The case was heard on May 15, 2018, and it was considered fully submitted in front of the deputy workers' compensation commissioner on June 29, 2018.

The deputy commissioner found claimant failed to carry her burden of proof to establish she sustained a first qualifying injury on May 7, 2014, and a second qualifying injury on May 27, 2014, for the purpose of receiving benefits from the Fund. The deputy commissioner found that the alleged second qualifying injury which allegedly occurred on May 27, 2014, was actually a sequela injury of the May 7, 2014, injury. The deputy commissioner found claimant is not entitled to receive benefits from the Fund. The deputy commissioner found all other issues raised in this matter are moot.

Claimant asserts on appeal that the deputy commissioner erred in finding claimant failed to prove she sustained separate first and second qualifying injuries and in finding claimant is not entitled to receive benefits from the Fund. Claimant asserts the deputy commissioner erred in failing to award claimant substantial industrial disability benefits to be paid by the Fund.

The Fund 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 July 24, 2018, 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 carry her burden of proof to establish she sustained a first qualifying injury on May 7, 2014, and a second qualifying injury on May 27, 2014, for the purpose of receiving benefits from the Fund. I affirm the deputy commissioner's finding that the alleged second qualifying injury which allegedly occurred on May 27, 2014, was actually a sequela injury of the May 7, 2014, injury. I affirm the deputy commissioner's finding that claimant is not entitled to receive benefits from the Fund. I affirm the deputy commissioner's finding that all other issues raised in this matter are moot.

I affirm the deputy commissioner's findings, conclusions and analysis regarding those issues.

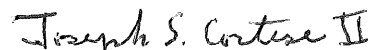
ORDER

IT IS THEREFORE ORDERED that the arbitration decision filed on July 24, 2018, is affirmed in its entirety.

Claimant shall take nothing from these proceedings.

Pursuant to rule 876 IAC 4.33, claimant shall pay the costs of the appeal, including the cost of the hearing transcript.

Signed and filed on this 27<sup>th</sup> day of November, 2019.



---

JOSEPH S. CORTESE II  
WORKERS' COMPENSATION  
COMMISSIONER

The parties have been served as follows:

Ron Pohlman Via WCES

Sarah Brandt Via WCES