



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 August 30, 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 sustained 30 percent industrial disability as a result of the July 21, 2015, work injury. I affirm the deputy commissioner's finding that claimant is entitled to receive \$2,000.00 in penalty benefits because of defendant's unreasonable delay in paying PPD benefits. I affirm the deputy commissioner's order that defendant pay claimant's costs of the arbitration proceeding in the amount of \$3,533.96.

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

#### ORDER

IT IS THEREFORE ORDERED that the arbitration decision filed on August 30, 2018, is affirmed in its entirety.

Defendant shall pay the claimant one hundred fifty (150) weeks of permanent partial disability benefits, at the stipulated weekly rate of three hundred seventy-two and 17/100 dollars (\$372.17), commencing on November 11, 2015.

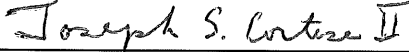
Defendant shall pay accrued weekly benefits in a lump sum together with interest at the rate of ten percent for all weekly benefits payable and not paid when due which accrued before July 1, 2017, and all interest on past due weekly compensation benefits accruing on or after July 1, 2017, shall be payable 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 percent. See Gamble v. AG Leader Tech., File No. 5054686 (App. Apr. 24, 2018).

Defendant shall pay claimant two thousand and 00/100 dollars (\$2,000.00) in penalty benefits.

Pursuant to rule 876 IAC 4.33, the parties shall pay claimant's costs of the arbitration proceeding in the amount of three thousand five hundred thirty-three and 96/100 dollars (\$3,533.96), and claimant shall pay the costs of the appeal, including the cost of the hearing transcript.

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

Signed and filed on this 26<sup>th</sup> day of November, 2019.

  
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JOSEPH S. CORTESE II  
WORKERS' COMPENSATION  
COMMISSIONER

The parties have been served as follows:

Joseph S. Powell    Via WCES

Kent Smith            Via WCES