

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

BRET BAHMLER,

Claimant,

vs.

IAC IOWA CITY, LLC,

Employer,

and

AMERICAN ZURICH INS. CO.

Insurance Carrier,
Defendants.

FILE NO. 5064092

A P P E A L

D E C I S I O N

Head Notes: 1200; 1402.20; 1402.40;
1804; 2501; 2907; 5-9998

Defendants IAC Iowa City, LLC, employer, and its insurer, American Zurich Ins. Co., appeal from an arbitration decision filed on August 14, 2019. Claimant Bret Bahmler responds to the appeal. The case was heard on June 26, 2019, and it was considered fully submitted in front of the deputy workers' compensation commissioner at the conclusion of the arbitration hearing.

The deputy commissioner found claimant carried his burden of proof to establish he sustained a cumulative injury to his low back with an injury date of October 7, 2016. The deputy commissioner found claimant sustained permanent total disability as a result of the October 7, 2016, work injury. The deputy commissioner found claimant is entitled to payment by defendants of the medical expenses itemized in Exhibit 5. The deputy commissioner found defendants are entitled to apportionment pursuant to Iowa Code section 85.34(7) pursuant to the stipulation of the parties in the hearing report. The deputy commissioner ordered defendants to pay claimant's costs of the arbitration proceeding in the amount of \$381.76.

On appeal, defendants assert the deputy commissioner relied on the wrong expert opinions and erroneously interpreted the medical records in finding claimant sustained a work injury on October 7, 2016, and in finding claimant is permanently and totally disabled as a result of that injury.

Claimant 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 August 14, 2019, 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 a work-related cumulative injury to his low back. I affirm the deputy commissioner's finding that the work injury manifested on October 7, 2016. I affirm the deputy commissioner's finding that the work injury was an exacerbation of a pre-existing condition. I affirm the deputy commissioner's finding that claimant's injury resulted in permanent total disability. I affirm the award of the medical expenses itemized in Exhibit 5. I affirm the deputy commissioner's order that defendants pay claimant's costs of the arbitration proceeding in the amount of \$381.76.

ORDER

IT IS THEREFORE ORDERED that the arbitration decision filed on August 14, 2019, is affirmed in its entirety.

Defendants shall pay claimant permanent total disability benefits commencing on October 7, 2016, at the stipulated weekly rate of seven hundred three and 00/100 dollars (\$703.00), for as long as claimant remains disabled.

Defendants shall be entitled to apportionment pursuant to Iowa Code section 85.34(7) pursuant to the stipulation of the parties in the hearing report.

Defendants shall pay directly to the medical provider, reimburse claimant for any out-of-pocket expenses, and hold claimant harmless for all medical expenses itemized in Exhibit 5.

Pursuant to rule 876 IAC 4.33, defendants shall pay claimant's costs of the arbitration proceeding in the amount of three hundred eighty-one and 76/100 dollars (\$381.76), and defendants shall pay the costs of the appeal, including the cost of the hearing transcript.

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

Signed and filed this 20th day of July, 2020.

Joseph S. Cortese II

JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

The parties have been served as follows:

Thomas M. Wertz (Via WCES)

James M. Ballard (Via WCES)