



commissioner ordered defendants to pay claimant's costs of the arbitration proceeding in the amount \$2,179.00.

On appeal, defendants assert the deputy commissioner erred in finding claimant sustained a work-related injury as alleged. Defendants assert the deputy commissioner erred in finding defendants failed to prove their Iowa Code section 85.23 90-day notice defense. Defendants assert the deputy commissioner erred in finding claimant sustained permanent disability of his right hand. Defendants assert if it is found on appeal that claimant did sustain a compensable work-related injury, it should be found that claimant's permanent disability for the injury is limited to his right index finger. Defendants assert the deputy commissioner erred in finding claimant is entitled to receive penalty benefits from defendants. Defendants assert the deputy commissioner erred in finding claimant is entitled to payment by defendants for the requested past medical expenses. Defendants assert the deputy commissioner erred in ordering defendants to pay claimant's costs of the arbitration proceeding.

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 November 19, 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 proved he sustained a work-related injury to his right hand on August 24, 2017. I affirm the deputy commissioner's finding that defendants failed to prove their Iowa Code section 85.23 90-day notice defense because I affirm the deputy commissioner's finding that claimant provided defendant-employer with actual notice of the injury immediately when it occurred. I affirm the deputy commissioner's finding that claimant sustained scheduled member functional disability of eleven percent of his right hand. I affirm the deputy commissioner's finding that claimant is entitled to receive penalty benefits from defendants in the amount of \$5,334.09 for an unreasonable failure by defendants to pay weekly benefits. I affirm the deputy commissioner's finding that claimant is entitled to payment by defendants for the requested past medical expenses. I affirm the deputy commissioner's finding that pursuant to Iowa Code section 85.39, claimant is not

entitled to receive reimbursement from defendants for the cost of Dr. Bansal's IME. I affirm the deputy commissioner's order that defendants pay claimant's costs of the arbitration proceeding in the amount \$2,179.00.

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

ORDER

IT IS THEREFORE ORDERED that the arbitration decision filed on November 19, 2019, is affirmed in its entirety.

Defendants shall pay claimant twenty point nine (20.9) weeks of permanent partial disability benefits at the weekly rate of five hundred ten and 44/100 dollars (\$510.44) commencing on December 13, 2017.

Defendants shall pay accrued weekly benefits in a lump sum together with interest 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.

Defendants shall pay claimant penalty benefits in the amount of five thousand three hundred thirty-four and 09/100 dollars (\$5,334.09).

Defendants shall pay the medical expenses itemized in Joint Exhibit 3.

Pursuant to rule 876 IAC 4.33, defendants shall pay claimant's costs of the arbitration proceeding in the amount of two thousand one hundred seventy-nine and no/100 dollars (\$2,179.00), 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 on this 8<sup>th</sup> day of July, 2020.

  
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JOSEPH S. CORTESE II  
WORKERS' COMPENSATION  
COMMISSIONER

The parties have been served as follows:

Eric Loney (via WCES)  
Laura Ostrander (via WCES)