

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

MARTHA REAVES,

Claimant,

vs.

GENUINE PARTS COMPANY d/b/a
NAPA,

Employer,

SAFETY NATIONAL CASUALTY CORP.,

Insurance Carrier,
Defendants.

File No. 5059851

A P P E A L

D E C I S I O N

Head Notes: 1402.30; 1402.40; 2907;
5-9998

Claimant Martha Reaves appeals from an arbitration decision filed on January 29, 2019. Defendants, Genuine Parts Company d/b/a Napa, employer, and its insurer, Safety National Casualty Corporation, respond to the appeal. The case was heard on October 2, 2018, and it was considered fully submitted in front of the deputy workers' compensation commissioner on October 31, 2018.

In the arbitration decision, the deputy commissioner found claimant sustained a work-related injury on August 1, 2016. Specifically, the deputy commissioner found claimant sustained an injury to her left knee. The deputy commissioner found claimant failed to carry her burden of proof to establish she sustained injuries to her low back or left hip as a result of the work injury. The deputy commissioner found claimant failed to carry her burden of proof to establish she sustained any permanent disability as a result of the work injury. The deputy commissioner found claimant failed to establish entitlement, pursuant to Iowa Code section 85.39, to receive reimbursement for the cost of her independent medical evaluation (IME) performed by Sunil Bansal, M.D. on August 20, 2018. The deputy commissioner ordered the parties to pay their own costs of the arbitration proceeding.

On appeal, claimant asserts the deputy commissioner erred in finding claimant failed to carry her burden of proof to establish she sustained injuries to her low back and left hip as a result of the work injury. Claimant further asserts the deputy commissioner erred in finding claimant failed to carry her burden of proof to establish she sustained any permanent disability as a result of the work injury. Claimant also asserts the deputy commissioner erred in finding claimant is not entitled to receive reimbursement from defendants for the cost of Dr. Bansal's IME.

Defendants assert 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 January 29, 2019, which relate to the issues properly raised on intra-agency appeal.

I find the deputy commissioner provided a well-reasoned analysis of all 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 injuries to her low back or left hip as a result of the work injury. I affirm the deputy commissioner's finding that claimant failed to carry her burden of proof to establish that the work injury caused any permanent disability. I affirm the deputy commissioner's finding that claimant is not entitled to receive reimbursement from defendants for the cost of Dr. Bansal's IME.

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

ORDER

IT IS THEREFORE ORDERED that the arbitration decision filed on January 29, 2019, is affirmed in its entirety.

Claimant shall take nothing from these proceedings.

Pursuant to rule 876 IAC 4.33, the parties shall pay their own costs of the arbitration proceeding, and claimant 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 25th day of March, 2020.



JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

The parties have been served as follows:

Steven Hamilton Via WCES

Aaron T. Oliver Via WCES