


Iowa Workers' Compensation Advisory Committee (IWCAC) Symposium 2025


AGENCY CASE
LAW UPDATE

Šejla (Shayla) Numić



1

HARVEY MULDER V. JOEL SCHUITEMAN - APPEAL



- Deputy Christenson found Claimant proved he sustained 80% ID.
- On appeal, Defendants assert Claimant is not credible and Deputy erred in not **specifically** addressing certain alleged discrepancies in the record.
- Considerable deference was given to the Deputy for credibility determinations.
- Deputy does not need to discuss every relevant piece of evidence and find that this bit of evidence is accepted or rejected, citing *Terwilliger v. Snap-On Tools Corp.*, 529 NW2d 267, 271 (Iowa 1995).

File No.: 1641929.01
Presiding Deputy: James F. Christenson
Appeal Decision Date: December 13, 2024
Decision: Affirmed in its entirety.

2

LARRY SCHORE V. AMAZON.COM SERVICES, INC.

Issue: Involuntary Leave = Termination for Industrial Disability

- Deputy interpreted Iowa Code § 85.34(2)(v) to allow industrial disability where Claimant returned to work but was later involuntarily placed on leave; deemed as a constructive discharge or termination permitting recovery of industrial disability benefits.

File Number: 22007160.01
Date of Decision: August 20, 2024
Presiding Deputy: William H. Grell

3

RONALD HODGES vs. ST. MARY'S CATHOLIC CHURCH AND DIOCESE OF DAVENPORT - APPEAL DECISION



- **File No.:** 22700635.01 @ 1597200.01
- **Appeal Decision Date:** January 15, 2025
- **Decision:** R-R decision and ruling on rehearing are reversed in part.

- **Key Issue:** Whether 2019 wages paid during leave tolled the statute of limitations under the *Maffitt* test.
- Claimant was found to have filed his petition and review-reopening claim in an untimely manner and his claims were dismissed.
- Commissioner applied *Maffitt*'s objective 3-part test - found wages were paid in lieu of compensation, extending the statute on the 2014 injury.
- Subjective employer intent was irrelevant under *Morgan v. John Deere*.
- **Review-reopening granted** - Claimant showed deterioration and amputation, resulting in 31% BAW impairment and 155 weeks of PPD.

4

JOHN VAN VEEN vs. OLD DOMINION FREIGHT LINE, LLC

Issue: Payment of Claimant's IME Reports



- **File No.:** 21001402.02
- **Date of Decision:** June 26, 2024
- **Presiding Deputy:** Jessica L. Cloereman
- **Appeal Decision Date:** February 7, 2025
- **Decision:** Affirmed in its entirety.

- Claimant is only entitled to one IME under §85.39. Here, Claimant also submitted the two additional bills from Dr. Taylor for his two supplemental reports.
- Assessment of costs is a discretionary function of the Agency.
- Costs are to be assessed at the discretion of the Deputy or Commissioner hearing the case.
- Deputy used her discretion and awarded costs for reimbursement of Dr. Taylor's IME, as well as each of Dr. Taylor's supplemental reports.

5

**JUSTIN LOEW V. MENARD, INC.
REMAND DECISION**

- **Issue:** the extent of Claimant's entitlement to permanent partial disability benefits.
- On remand from the Iowa Supreme Court from a decision dated February 9, 2024.
- The Supreme Court held "[t]he statute does not establish a credit system where an employer gets to avoid paying for a new disability" and reflects a commonsense understanding of section 85.34(7) by the Agency.
- Here, Dr. Bansal specified that his rating for the August 13, 2018, injury was independent of his prior rating for the 2015 injury.
- Dr. Bansal's rating for the 2018 injury does not hold defendants liable for the pre-existing disability regarding Claimant's 2015 injury. His rating only holds defendants liable for the new permanent partial disability for the August 13, 2018, date of injury.

- **Remand Decision Date:** August 2, 2024

6

JOSHUA JOHNSON V. CINEMARK HOLDINGS, INC.

Issue: Apportionment under §85.34(7)



- File No.: 1656902.01 & 21006471.01
- Date of Decision: June 27, 2024
- Presiding Deputy: James F. Christenson

- Appeal Decision Date: November 19, 2024
- Decision: Affirmed in its entirety.

- Claimant sustained two separate left knee injuries from Cinemark
 - May 2018 → **26%** impairment to the body as a whole
 - April 2021 → **38%** impairment of the left lower extremity
- Case reflects how the agency is applying *Loew* and *Rife*
- Deputy held Defendants were not entitled to apportionment for the first injury against the second, as "Dr. Segal **specified** that his rating for the April 23, 2021, injury was **independent** of his rating for the May 10, 2018, date of injury."
- In other words, apportionment did not apply because the impairment caused by the 2021 injury was new.

7

JOSE VALDEZ V. SMITHFIELD FOODS, INC.

Impairment
Rating
for
Mental
Health
Sequela

File Numbers: 21008551.01 & 24700311.01
Date of Decision: August 5, 2024
Presiding Deputy: Andrew M. Phillips

- Claimant suffered a traumatic injury cutting his left palm and partially amputating his left thumb, and mental health sequela related to the traumatic hand injury.
- 35% - Dr. Patra (psych IME) used Second Edition of the Guides
- Deputy was bound by Iowa law to apply the Fifth Edition of the Guides.
- In assessing the **severity of impairment**, the Guides direct the examiner to consider five factors:
 - the effects of treatment; the effects of structured settings; the variability of mental disorders; an assessment of workplace function; and the effects of common mental and behavioral conditions.
- The Guides look at several different areas in arriving at an **impairment rating**.
 - Activities of daily living; social functioning, concentration, persistence, and pace, and deterioration or decompensation in complex or work-like settings.
- **25%** functional loss as a result of his mental sequela.

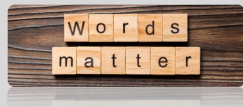
8

DENNIS HILL VS. WHIRLPOOL CORPORATION

Issue: Injury cause of permanent disability?

- File No: 22700650.01 & 22700651.01
- Date of Decision: July 3, 2024
- Presiding Deputy: Michael J. Lunn

- Appeal Decision Date: January 17, 2025
- Decision: Affirmed in its entirety.



- Claimant is a 64-year-old assembler at Whirlpool, claimed injuries from workplace exposure to a diluted bleach disinfectant used during COVID.
- Claimant shall take nothing from proceedings.
- Here, the Deputy gave no weight to University of Iowa Hospitals and Clinics pulmonologist Dr. Hornick's opinion, noting the use of the word "presume" lacked medical certainty.

9

Merideth DeMaris v. Trinity Health Corporation
d/b/a Mercy Medical Center

**Permanent
Total
Disability**

• **File No.:** 5067136.04
• **Date of Decision:** September 19, 2024
• **Presiding Deputy:** Joseph L. Walsh
• **Appeal Decision Date:** January 23, 2025
• **Decision:** Affirmed in its entirety.

- Claimant felt a pop in her left shoulder and developed progressive pain and stiffness, eventually leading to a diagnosis of post-traumatic cervical dystonia.
- The employer denied causation, relying heavily on IMEs by Dr. Kuhnlein and Dr. Chen, both of whom questioned whether an actual injury occurred and suggested dystonia was idiopathic.
- **Ruling:** Claimant awarded **permanent total disability** benefits; injury found compensable.
- Lay misunderstanding of legal definitions (e.g., what counts as an "injury") shouldn't be used to defeat claims.
- Even if a work injury seems "minor," it can have catastrophic long-term impacts on earning capacity.

10

TIMOTHY PRUIS V. MEDPLAST, INC. – APPEAL DECISION



• **File No.:** 5058256.01
• **Appeal Decision Date:** September 24, 2024

- In the penalty decision, Deputy awarded Claimant a penalty in the amount of \$1,000 for PTD benefits totaling \$111,459.17. Claimant appealed.
- The commissioner affirms the finding that penalty was due claimant.
- After the appeals were concluded, the payments made by defendants were late.
- The commissioner increases the penalty from \$1000 to \$12,000, representing a \$1000 penalty for each of the 12 days the payments were late.

11

TYRONE MITCHELL V. M J DALY CONSTRUCTION, INC.

Issue: Dr. Schmitz

- Claimant is a 51-year-old laborer when his left ankle was crushed by a skid loader on July 19, 2021. Deputy accepted that altered gait from ankle injury caused chronic hip and back symptoms.
 - Dr. Willey - 41% impairment to the left lower extremity
 - Dr. Kuhnlein - 44% impairment to the left lower extremity.
 - Dr. Schmitz - Injury where?
 - Expert credibility matters: Deputies scrutinize patterns of IME doctors, especially frequent use of terms like "nonanatomic pain."
 - Chronic altered gait from a severe lower extremity injury can justify extension to a body-as-a-whole claim.
- **File No.:** 21009283.02
• **Date of Decision:** January 8, 2025
• **Presiding Deputy:** James F. Christenson

12

RODNEY REISTROFFER V. QUALITY CONCRETE COMPANY

"When asked if he felt the current complaints were related to the August 27, 2019 work injury, Dr. Jacoby wrote, "Don't know."

File Nos.: 19006100.02

Date of Decision: July 30, 2024

Presiding Deputy: Erin Q. Pals

Appeal Decision Date: October 29, 2024

Decision: Affirmed in its entirety.

Extent of Permanency

Claimant, a concrete truck driver, sustained a head injury when a large chunk of concrete fell on his head inside the drum of a mixer truck.

Injuries: TBI, chronic migraines, vestibular dysfunction, and cervical issues.

He remained employed with Quality Concrete and returned to full-time work at the same or higher wage.

Treating physician Dr. Jacoby's inconsistent opinions, lack of rationale, and failure to review complete records weakened his credibility.

According to Dr. Jacoby,

The natural tendency for concussed patients is improvement and resolution within a few months. People do not worsen. People improve. Once improvement is obtained, worsening does not occur.

Functional Impairment: 34% under Iowa Code § 85.34(2)(v).

13

DEE DELANEY V. SECOND INJURY FUND OF IOWA
REMAND DECISION

Issue: the extent of Claimant's entitlement to Fund benefits.

On remand from the Iowa Supreme Court for a decision dated May 10, 2024.

Court concluded that a leg injury with a sequela injury (lymphedema) was a second injury for Fund purposes and that the commissioner's determination of the value of the SIF claim was "only the extent to which [the employee's] earning capacity was diminished by the combined effects of the . . . losses to her enumerated extremities."

On remand, the Commissioner noted claimant's first injury to the left ankle and second injury to the right knee.

The 40% award was reduced by the functional loss from the first injury (11% of the leg) and second injury (37% of the leg).

File No.: 19005645.04

Remand Decision: November 26, 2024

14

SIF v. Strable

No. 24-0056

In the Iowa Supreme Court

$$\frac{-b \pm \sqrt{b^2 - 4ac}}{2a} - 9 \pm \sqrt{e^2 - 8a} \Sigma 99 \left(\begin{matrix} n & \dots & r \\ d & \vdots & \vdots \\ 27,05,2023 & \dots & e \end{matrix} \right) \frac{dy}{dx} \cup_{n=1}^{\infty} (X_n \cap Y_n)$$

$$2 \left(\begin{matrix} 4 & \dots & 65 \\ 1 & \vdots & 2 \end{matrix} \right) \prod_{k=1}^{\infty} \exists a \lim_{n \rightarrow \infty} \left(1 + \frac{1}{n} \right)^n \frac{-b \pm \sqrt{b^2 - 4ac}}{2a} \sum_{0 \leq j < n} P(i, j)$$

$$\frac{-b \pm \sqrt{b^2 - 4ac}}{2a} \lim_{n \rightarrow \infty} \left(1 + \frac{1}{n} \right)^n \sum_{i=1}^n s e^{-\text{tot}[f^2 \approx e^n + i^2]} \prod \frac{-b \pm \sqrt{b^2 - 4ac}}{2e}$$

$$\cup_{n=1}^{\infty} (X_n \cap Y_n) \frac{-b \pm \sqrt{b^2 - 4ac}}{2a}$$

$$Z_{n+1} = Zn^2 + C$$

$$\frac{-b \pm \sqrt{b^2 - 4ac}}{2a} \sum_{0 \leq j < n} P(i, j) \left(\begin{matrix} 2 & \dots & 7 \\ 1 & \vdots & 3 \\ 6 & \dots & 3 \end{matrix} \right) \int_{by}^{made} \text{the god of mathematics himself}$$

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40

15

Second Injury Fund of Iowa v. Regena Strable
No. 24-0056
In the Iowa Supreme Court

- The Iowa Supreme Court returned to its holding in *Delaney* to provide additional guidance in *SIF v. Strable*. In *Delaney*, the Court held that it is irrelevant to the Fund's liability whether the second loss is accompanied by a BAW injury.
- In *Strable*, the Court provides a formula for calculating the Fund's liability in such cases. The calculation is completed by
 - (1) calculating the industrial disability caused by all injuries;
 - (2) calculating and subtracting the industrial disability caused by the second loss (including the BAW injury or injuries); and
 - (3) subtracting the functional impairment caused by the first loss.
- Applies only in the limited scenario where the second loss is accompanied by a BAW injury.

16

DEN HARTOG INDUSTRIES V. TYLER DUNGAN
No. 23-1402
In the Court of Appeals of Iowa

- Employer appeals from a judicial-review proceeding following an adverse decision by the workers' compensation commissioner. **AFFIRMED**
- The Iowa Court of Appeals affirmed the Commissioner's decision awarding industrial disability benefits in a case where the Claimant returned to work with the same employer at the same or higher pay, then voluntarily quit to accept other work and move closer to family.
- The Court reasoned that paragraph (2)(v) fails to "address those who voluntarily do not return to work or those who return to work but leave voluntarily."
- The statute is therefore ambiguous and liberal construction requires that (2)(v) be interpreted in favor of the injured worker.

17

DEVIN KOLASH V. JOHN DEERE DES MOINES WORKS

Issue: Dr. Chen.

"In thirty years of reading and analyzing medical reports related to workers' compensation cases, I have never seen anything quite like this." – Deputy Walsh

- **Dr. Chen** examined Mr. Kolash, reviewed extensive records and ultimately opined that both shoulders were deemed "personal conditions" and non-work related. He also attacked Claimant's credibility, accusing him of numerous instances of "manipulative behavior" and "inconsistent history."
 - Dr. Chen performed a thorough record review and evaluation of Mr. Kolash; however, after reading his 19-page report, I am entirely unclear what actual facts he considered to base his causation opinion on.
 - He referenced weightlifting activities and "many different personal etiologies."
 - I am entirely unclear what information Dr. Chen reviewed about his weightlifting to suggest this was the source of his condition.
 - "I just do not even understand what he is talking about."
 - **Dr. Vinyard** responded he's not an expert on medical causation
 - I find that...he consciously chose not to contradict Dr. Chen's opinion for unknown reasons.
- **File No:** 19700395.02; 22701143.01; 23700112.01
• **Date of Decision:** December 27, 2024
• **Presiding Deputy:** Joseph L. Walsh

18



19
