BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

SANDRA ROZGA, Claimant, vs. KRAFT HEINZ COMPANY, Employer, and INDEMNITY INSURANCE COMPANY OF N.A., Insurance Carrier, Defendants.	File Nos. 5060495, 5060496 A R B I T R A T I O N D E C I S I O N Head Notes: 1402.30, 1402.50, 1403.30

STATEMENT OF THE CASE

Claimant, Sandra Rozga, filed petitions in arbitration seeking workers' compensation benefits from Kraft Heinz Company (Kraft), employer, and Indemnity Insurance Company of North America, insurer, both as defendants. This matter was heard in Davenport, Iowa on June 3, 2019 with a final submission date of June 24, 2019.

The record in this case consists of Joint Exhibits 1-3, Claimant's Exhibits 1-5, Defendants' Exhibits A through C, and the testimony of claimant and Christy Catlin.

The parties filed a hearing report at the commencement of the arbitration hearing. On the hearing report, the parties entered into various stipulations. All of those stipulations were accepted and are hereby incorporated into this arbitration decision and no factual or legal issues relative to the parties' stipulations will be raised or discussed in this decision. The parties are now bound by their stipulations.

ISSUES

Regarding file number 5060495 (date of injury August 17, 2014):

1. Whether claimant sustained an injury that arose out of and in the course of employment on August 17, 2014 to the right shoulder.
2. Whether claimant's claim is barred by application of Iowa Code section 85.23.
3. Whether claimant's claim is barred by application of Iowa Code section 85.26.
4. Whether the injury resulted in a temporary disability.
5. Whether the injury resulted in a permanent disability; and if so
6. The extent of claimant's entitlement to permanent partial disability benefits.
7. Whether there is a causal connection between the injury and the claimed medical expenses.
8. Whether claimant is due reimbursement for an independent medical evaluation (IME) under Iowa Code section 85.39.
9. Whether claimant is entitled to alternate medical care.
10. Whether apportionment applies under Iowa Code section 85.34(7).

Regarding file number 5060496 (date of injury June 11, 2017):

1. Whether claimant sustained an injury that arose out of and in the course of employment on August 17, 2014 to the right shoulder.
2. Whether claimant's claim is barred by application of Iowa Code section 85.23.
3. Whether the injury resulted in a temporary disability.
4. Whether the injury resulted in a permanent disability; and if so
5. The extent of claimant's entitlement to permanent partial disability benefits.
6. Whether there is a causal connection between the injury and the claimed medical expenses.
7. Whether claimant is due reimbursement for an independent medical evaluation (IME) under Iowa Code section 85.39.
8. Whether claimant is entitled to alternate medical care.

9. Whether apportionment applies under Iowa Code section 85.34(7).

FINDINGS OF FACT

Claimant was 65 years old at the time of hearing. Claimant graduated from high school. Claimant has an AA degree as a radiology technician.

Claimant has worked as a CNA. She worked as a dispatcher and a truck inspector at a truck stop. Claimant has also worked as a retail supervisor and a store manager.

Claimant began working for Kraft in 2005. Claimant began as a line worker in Department 156. Her job at that time required her to put materials into plastic trays, perform packing and palletize. Claimant went onto the Lunchables and the deli line. She eventually returned to Department 156.

Claimant testified that in August of 2014 she began having right shoulder pain while handling product at work. (Transcript pages 21-22)

Claimant said in August of 2014 she was working in the Lunchables lines. She said during that period of time, there was a reduction in staff, but the production line moved at the same pace. As a result, remaining workers had to work harder and faster. (Tr. pp. 19-20)

Claimant said during that time, part of her job duties required her to stack boxes on pallets. She said the boxes weighed between 70-80 pounds and each pallet had approximately 140 boxes on it. (Tr. pp. 16-17) Claimant testified she is approximately five feet tall and the top of the stack of boxes came to her forehead. (Tr. p. 21)

Claimant testified it was during this period of time that she began to have right shoulder pain. Claimant testified she had no recollection when she gave Kraft notice of a 2014 date of injury. She said she does not recall giving notice of an injury to Kraft before December 15, 2017. (Tr. pp. 38-40)

Claimant testified she does not recall going to anyone at Kraft to fill out any paperwork regarding an injury for her shoulder. (Tr. p. 46) Claimant testified she did not think her 2014 injury was too severe. (Tr. p. 58) She said when she initially felt pain, she thought she had some arthritis in her shoulder. (Tr. p. 25) Claimant testified she was certain her right shoulder pain in 2014 was caused by her work. (Tr. p. 58)

Claimant testified she treated with Suleman Hussain, M.D. in 2014 for her shoulder complaints, as she had treated with him prior for her knees. (Tr. p. 23) Dr. Hussain is an orthopedic surgeon with ORA Orthopedics.

On September 17, 2014 claimant was evaluated by Dr. Hussain for right shoulder pain. Claimant had constant throbbing. Claimant had an onset of pain approximately one month prior. Claimant was unable to recall a significant injury. Claimant's pain was

an eight on a scale where ten is excruciating pain. Claimant was given a right shoulder injection. An MRI of the right shoulder was recommended. (Joint Exhibit 1, pp. 5-6)

On September 23, 2014 claimant had an MRI of the right shoulder. It showed AC joint arthritis and a moderate to moderately severe rotator cuff tendonitis with a small tear. Claimant returned to Dr. Hussain on September 29, 2014. Claimant was given another right shoulder injection. (Jt. Ex. 1, pp. 9-11)

Claimant returned to Dr. Hussain on November 12, 2014 for bilateral knee problems. (Jt. Ex. 1, p. 12)

Claimant returned to Dr. Hussain on February 20, 2015 for follow up of right shoulder problems. Claimant had the same pain as before. Claimant's pain was keeping claimant from sleeping. Claimant was given another shoulder injection. (Jt. Ex. 1, p. 13) Claimant saw Dr. Hussain on June 22, 2015. Claimant had another injection. Surgery was discussed as a treatment option. (Jt. Ex. 1, p. 20) On December 3, 2015 claimant had a left total knee replacement performed by Dr. Hussain. (Jt. Ex. 1, pp. 23-26)

On April 11, 2016 claimant saw Dr. Hussain for bilateral shoulder pain, right worse than left. Claimant denied any interval trauma. Claimant requested both shoulders be injected. Dr. Hussain assessed claimant as having a right shoulder SLAP tear with impingement and a left shoulder impingement. Claimant received injections in both shoulders. (Jt. Ex. 1, pp. 31-32)

Claimant testified that when she received treatment in 2016, she did not go to Kraft and ask if ORA Orthopedics was authorized to treat her for her shoulder pain. (Tr. p. 48)

On March 7, 2017 claimant was seen by Bradi Kipper, PA-C for bilateral shoulder pain. Claimant was given a bilateral shoulder injection. (Jt. Ex. 1, pp. 43-44)

Claimant testified that in approximately June of 2017, she began lifting and stacking more boxes because of a shortage of staff and because a palletizer kept breaking down. Claimant said she asked Christy Catlin, a supervisor, on three occasions, to see a company nurse. Claimant said Ms. Catlin put her off on all three occasions. Claimant said she was unable to see a company nurse. Claimant said she ended up returning to Dr. Hussain. (Tr. pp. 26-29)

Claimant testified she did not recall giving notice to Kraft regarding a work injury on or before December 15, 2017. (Tr. p. 41) She testified she never asked Ms. Catlin, or anyone else at Kraft, to file an accident report on her behalf. (Tr. p. 49)

Christy Catlin testified she is a lead line tech at Kraft. In that capacity she is familiar with claimant's job and with claimant. She testified she recalled claimant asking, on one occasion, to see a nurse, but does not recall a second or third time. She said she was unable to get claimant to a nurse the one time claimant asked, as there

was no replacement for claimant on the production line. (Tr. pp. 61-64) Ms. Catlin said she does not recall claimant telling her of a shoulder injury while palletizing. (Tr. p. 72)

On July 12, 2017 claimant was seen by Dr. Hussain for a recheck of bilateral shoulder problems. Claimant said she was lifting three to four boxes at work when she felt pain in her shoulder. Claimant said she reported the injury to her supervisor. An MRI was recommended. (Jt. Ex. 1, p. 46)

On July 25, 2017 claimant underwent an MR arthrogram of the left shoulder. It showed a full-thickness tear of the distal supraspinatus. (Jt. Ex. 1, pp. 49-50)

Claimant returned to Dr. Hussain on July 31, 2017. Claimant was assessed as having a full-thickness rotator cuff tear on the left. Surgery was discussed as a treatment option. (Jt. Ex. 1, p. 51) Claimant returned to Dr. Hussain on August 3, 2017. She decided not to proceed with surgery. Claimant was given bilateral shoulder injections. (Jt. Ex. 1, pp. 53-54)

On November 13, 2017 a First Report of Injury indicated claimant sustained an injury to both her shoulders on November 13, 2017. (Ex. C, p. 11)

Claimant had repeat bilateral shoulder injections on December 4, 2017 at ORA. (Jt. Ex. 1, pp. 57-58)

On December 11, 2017 claimant underwent an MRI of the right shoulder. It showed significant cystic changes in the proximal humerus with degenerative changes and possible avascular necrosis. Conservative treatment was recommended by Physician's Assistant Kepper. (Jt. Ex. 1, pp. 58-61)

Claimant returned in follow up at ORA on January 19, 2018 with continued complaints of right shoulder pain. Surgery was discussed and chosen as a treatment option. (Jt. Ex. 1, p. 62)

On February 20, 2018 claimant underwent right shoulder surgery consisting of repair of a subscapular tear and subpectoral biceps tenodesis. (Jt. Ex. 1, pp. 64-65)

Claimant returned to Dr. Hussain from February through April of 2018 in follow-up care. The records indicate claimant recovered well from surgery. Claimant was kept off of work for six weeks from April 9, 2018. (Jt. Ex. 1, pp. 66-69)

Claimant saw Dr. Hussain on May 21, 2018. Claimant was progressing well. She was kept off work for another two months. (Jt. Ex. 1, pp. 70-71) Claimant was eventually returned to work as of August 8, 2018. (Jt. Ex. 1, pp. 72-73)

In an August 31, 2018 report, Richard Kreiter, M.D. gave his opinions of claimant's condition following an IME. Claimant's history indicated she injured her left shoulder in June of 2017 while lifting and stacking boxes at work. Claimant also had pain in the right shoulder from repetitive pulling, pushing, and lifting. Dr. Kreiter opined

claimant had degenerative changes in the AC joints of both shoulders aggravated by repetitive work on the line at Kraft. (Jt. Ex. 2, p. 81)

Dr. Kreiter found claimant was at maximum medical improvement (MMI) for the right shoulder. He opined claimant had a 24 percent permanent impairment to the right shoulder, converting to a 14 percent permanent impairment to the body as a whole. He found claimant had a 20 percent permanent impairment to the left shoulder, converting to a 12 percent permanent impairment to the body as a whole. (Jt. Ex. 2, p. 82)

Claimant returned to Dr. Hussain on January 21, 2019 with complaints of a painful right shoulder. Claimant was given a right shoulder injection. (Jt. Ex. 1, p. 76)

Claimant underwent an MRI of the right shoulder on January 23, 2019. It showed a worsening partial tear of the supraspinatus. Claimant returned to Dr. Hussain on February 11, 2019 and was given a right shoulder injection. (Jt. Ex. 1, pp. 77-80)

In a March 4, 2019 report Matthew Bollier, M.D., gave his opinions of claimant's condition following an IME. Claimant had left shoulder pain. Dr. Bollier opined claimant's rotator cuff tear was related to a preexisting degenerative condition and was not caused or materially aggravated by the work she did lifting boxes at work. Dr. Bollier found claimant had no permanent impairment to the left shoulder. He opined claimant reached MMI as of December 1, 2018. (Jt. Ex. 3, pp. 88-92)

In an April 17, 2019 letter Dr. Bollier indicated he had reviewed Dr. Kreiter's IME report. He opined claimant's chronic left shoulder condition was not related to work injuries of August 17, 2014 or June 11, 2017. He did not believe claimant had any permanent impairment or permanent restrictions. (Jt. Ex. 3, p. 93)

Claimant testified that at the time of the hearing she worked between 40 to 47 hours per week and earned $18.19 an hour. She said in August of 2014 she earned approximately $16.25 an hour. In June of 2017 claimant earned approximately $17.35 an hour. (Tr. p. 55-56)

Claimant said at the time of hearing she was taking over-the-counter medications for pain. (Tr. p. 56) Claimant testified she is a union steward at Kraft. (Tr. p. 31)

CONCLUSIONS OF LAW

The first issue to be determined is whether claimant sustained an injury arising out of and in the course of employment.

The party who would suffer loss if an issue were not established has the burden of proving that issue by a preponderance of the evidence. Iowa R. App. P. 6.14(6).

The claimant has the burden of proving by a preponderance of the evidence that the alleged injury actually occurred and that it both arose out of and in the course of the employment. Quaker Oats Co. v. Ciha, 552 N.W.2d 143 (Iowa 1996); Miedema v. Dial

Corp., 551 N.W.2d 309 (Iowa 1996). The words "arising out of" referred to the cause or source of the injury. The words "in the course of" refer to the time, place, and circumstances of the injury. 2800 Corp. v. Fernandez, 528 N.W.2d 124 (Iowa 1995). An injury arises out of the employment when a causal relationship exists between the injury and the employment. Miedema, 551 N.W.2d 309. The injury must be a rational consequence of a hazard connected with the employment and not merely incidental to the employment. Koehler Electric v. Wills, 608 N.W.2d 1 (Iowa 2000); Miedema, 551 N.W.2d 309. An injury occurs "in the course of" employment when it happens within a period of employment at a place where the employee reasonably may be when performing employment duties and while the employee is fulfilling those duties or doing an activity incidental to them. Ciha, 552 N.W.2d 143.

The claimant has the burden of proving by a preponderance of the evidence that the injury is a proximate cause of the disability on which the claim is based. A cause is proximate if it is a substantial factor in bringing about the result; it need not be the only cause. A preponderance of the evidence exists when the causal connection is probable rather than merely possible. George A. Hormel & Co. v. Jordan, 569 N.W.2d 148 (Iowa 1997); Frye v. Smith-Doyle Contractors, 569 N.W.2d 154 (Iowa App. 1997); Sanchez v. Blue Bird Midwest, 554 N.W.2d 283 (Iowa App. 1996).

The question of causal connection is essentially within the domain of expert testimony. The expert medical evidence must be considered with all other evidence introduced bearing on the causal connection between the injury and the disability. Supportive lay testimony may be used to buttress the expert testimony and, therefore, is also relevant and material to the causation question. The weight to be given to an expert opinion is determined by the finder of fact and may be affected by the accuracy of the facts the expert relied upon as well as other surrounding circumstances. The expert opinion may be accepted or rejected, in whole or in part. St. Luke's Hosp. v. Gray, 604 N.W.2d 646 (Iowa 2000); IBP, Inc. v. Harpole, 621 N.W.2d 410 (Iowa 2001); Dunlavey v. Economy Fire and Cas. Co., 526 N.W.2d 845 (Iowa 1995). Miller v. Lauridsen Foods, Inc., 525 N.W.2d 417 (Iowa 1994). Unrebutted expert medical testimony cannot be summarily rejected. Poula v. Siouxland Wall & Ceiling, Inc., 516 N.W.2d 910 (Iowa App. 1994).

Regarding the alleged 2014 date of injury, claimant contends she injured her right shoulder on or about August 17, 2014 while working at Kraft.

There is no mention of a 2014 work injury in any of the treatment records. (Jt. Ex. 1) Claimant had no recollection of when she gave a notice to Kraft regarding the 2014 injury. Claimant testified she did not recall going to anyone at Kraft to file an injury report for the 2014 injury. (Tr. pp. 38-41) Claimant said she believed the right shoulder injury was caused by her work. There is no mention in Dr. Kreiter's IME report of a 2014 work injury. There are no records from Kraft that claimant had a 2014 work injury. There are no records from Kraft that claimant reported a 2014 work injury. Dr. Bollier indicated in his report he did not believe claimant sustained a 2014 work injury to her shoulder.

Given the facts above, claimant has failed to carry her burden of proof she sustained an injury to her right shoulder on or about August 17, 2014.

As claimant failed to carry her burden of proof she sustained an injury arising out of and in the course of employment regarding her right shoulder on August 17, 2014, all other issues, except reimbursement of the IME, are moot.

Regarding the June 11, 2017 date of injury, claimant contends she sustained an injury to both shoulders on June 11, 2017.

Claimant testified she injured both of her shoulders, because of a decrease in staffing, an increase in workloads, and because an auto-palletizer was not working properly.

Claimant said she asked a supervisor on three occasions to see a nurse. She said because her work area was so busy, she was not allowed to see a nurse.

Ms. Catlin is a lead line tech at Kraft. She testified she recalled claimant asking to see a nurse on one occasion, but did not recall claimant asking to see a nurse any subsequent times.

In July of 2017 claimant saw Dr. Hussain for bilateral shoulder pains. The history taken from claimant at that time indicates claimant injured her left shoulder while lifting boxes at work. (Jt. Ex. 1, p. 46)

Claimant was evaluated by Dr. Kreiter. Dr. Kreiter opined claimant injured her left shoulder in June of 2017 while lifting boxes at work. (Jt. Ex. 2, p. 81)

Claimant told Dr. Bollier she injured her left shoulder in June of 2017 while stacking boxes after a palletizer stopped working. (Jt. Ex. 3, p. 88) Dr. Bollier did not believe claimant had any permanent impairment or permanent disability from the June of 2017 incident. However, Dr. Bollier does indicate in his notes, "the work she did would be expected to cause shoulder soreness the next day in both shoulders as she described." (Jt. Ex. 3, p. 91)

Claimant credibly testified she injured both of her shoulders while stacking boxes at work when a palletizer broke down in June of 2017. Claimant's description of the June of 2017 injury is corroborated by the July of 2017 records from Dr. Hussain's office. Dr. Kreiter opined claimant sustained an injury to the left shoulder from the June of 2017 work injury. While Dr. Bollier does not believe claimant had any permanent disability from the June of 2017 incident, he appears to opine the activity claimant performed in June of 2017, when a palletizer broke down, would cause a temporary injury. Given this record, claimant has carried her burden of proof she sustained an injury that arose out of and in the course of employment on June 11, 2017 to her bilateral shoulders.

The next issue to be determined is whether claimant's injury is barred by application of Iowa Code section 85.23.

The party who would suffer loss if an issue were not established has the burden of proving that issue by a preponderance of the evidence. Iowa R. App. P. 6.14(6).

Iowa Code section 85.23 requires an employee to give notice of the occurrence of an injury to the employer within 90 days from the date of the occurrence, unless the employer has actual knowledge of the occurrence of the injury.

The purpose of the 90-day notice or actual knowledge requirement is to give the employer an opportunity to timely investigate the facts surrounding the injury. The actual knowledge alternative to notice is met when the employer, as a reasonably conscientious manager, is alerted to the possibility of a potential compensation claim through information which makes the employer aware that the injury occurred and that it may be work related. Dillinger v. City of Sioux City, 368 N.W.2d 176 (Iowa 1985); Robinson v. Department of Transp., 296 N.W.2d 809 (Iowa 1980).

Failure to give notice is an affirmative defense which the employer must prove by a preponderance of the evidence. DeLong v. Highway Commission, 229 Iowa 700, 295 N.W. 91 (1940).

The 90-day limit for notice does not begin running until the employee, acting reasonably, should know her injuries are both serious and work connected. Robinson v. Department of Transp., 296 N.W.2d 809, 812 (1980).

The burden rests on the employer to prove claimant did not provide the 90-day notice. Once the employer can show an affirmative defense under Iowa Code section 85.23, the burden shifts to the employee to show the discovery rule exception applies. IBP, Inc. v. Burress, 779 N.W.2d 210, 219 (Iowa 2010).

Based on the law detailed above, the manifest date of injury is when claimant knew, or should have known, the injury was work-related; and when claimant knew or should have known the injury was serious.

Claimant testified her bilateral shoulder injury occurred on June 11, 2017. At that time, claimant told Dr. Hussain she injured her shoulders stacking boxes at work. (Jt. Ex. 1, p. 46)

On July 31, 2017 claimant returned to Dr. Hussain. Claimant was told at that time she had a full-thickness rotator cuff tear on the left. Surgery was discussed. (Jt. Ex. 1, p. 51)

Claimant returned to Dr. Hussain on August 3, 2017. Claimant declined surgery at that time. Records indicate claimant underwent cortisone injections of both shoulders at that visit. (Jt. Ex. 1, p. 53)

Claimant believes she had a work-related injury at least by the July 12, 2017 visit with Dr. Hussain. She knew on July 31, 2017 she had a rotator cuff tear and that surgery was a treatment option. Claimant decided against surgery and on August 3, 2017 she underwent bilateral cortisone injections. Given this record, it is found claimant knew her injury was serious and was work related, at least as of July 31, 2017, when she learned she had a torn rotator cuff in her left shoulder.

The record indicates claimant did not give notice of a bilateral shoulder injury until November 13, 2017. (Ex. C, pp. 11, 13) The period of time between July 31, 2017 and November 13, 2017 is 106 days. Given this record, claimant failed to give timely notice to her employer of a work-related injury as required by Iowa Code section 85.23.

Claimant contends she notified her employer the day, or the day after the injury when she asked a supervisor to see a nurse.

Claimant was asked, at hearing, what she specifically said to Kraft regarding the shoulder injury. Claimant responded: "Specifically, I can't answer that, but I believe that I had made some reference to my shoulder was hurting and I said it was hurting like the right shoulder." (Tr. pp. 49-50)

Claimant was also asked the following questions:

> Q: Do you remember any date prior to December 15, 2017, when you filed your two petitions, that you went to Kraft Heinz and gave notice that you believed you had injured either of your shoulders during any part of your job?
>
> A: No, I had not.

(Tr. p. 40)

Claimant's testimony when she gave notice of a work-related injury to Kraft is conflicting. Even assuming claimant's testimony, that she asked to see a nurse for a shoulder problem, claimant has still failed to carry her burden of proof she gave sufficient notice to her employer of a work-related injury under Iowa Code section 85.23. It is not enough, under the statute, for claimant to simply tell her employer she had shoulder pain. Claimant needed to tell her employer she thought her shoulder pain was related to her work at Kraft. Ross v. American Ordnance, File No. 16-0787, filed January 11, 2017 (Iowa Ct. Appeals), Unpublished, 895 N.W.2d 923 (Table); Dillinger v. City of Sioux City, 368 N.W.2d 176, 180 (Iowa 1985) (actual knowledge of an injury must include information the injury might be work related).

Claimant failed to offer evidence the discovery rule exception applies in this case. Burress, 779 N.W.2d at 219.

Because claimant failed to give notice within 90 days, as required by law, claimant's claim for benefits regarding file number 5060496 is barred by application of Iowa Code section 85.23.

As claimant's claim for benefits under file number 5060496 is barred by application under Iowa Code section 85.23, all other issues, except for reimbursement of the IME, are moot.

The final issue to be determined is whether claimant is due reimbursement for an IME under Iowa Code section 85.39.

Regarding the IME, the Iowa Supreme Court provided a literal interpretation of the plain-language of Iowa Code section 85.39, stating that section 85.39 only allows the employee to obtain an independent medical evaluation at the employer's expense if dissatisfied with the evaluation arranged by the employer. Des Moines Area Reg'l Transit Auth. v. Young, 867 N.W.2d 839, 847 (Iowa 2015).

Under the Young decision, an employee can only obtain an IME at the employer's expense if an evaluation of permanent disability has been made by an employer-retained physician.

Iowa Code section 85.39 limits an injured worker to one IME. Larson Mfg. Co., Inc. v. Thorson, 763 N.W.2d 842 (Iowa 2009).

The Supreme Court, in Young noted in cases where Iowa Code section 85.39 is not triggered to allow for reimbursement of an independent medical examination (IME), a claimant can still be reimbursed at hearing the costs associated with the preparation of the written report as a cost under rule 876 IAC 4.33. Young at 846-847.

Dr. Kreiter, the employee-retained expert, gave his opinions of permanent impairment in a report dated October 31, 2018. Dr. Bollier, the employer-retained expert, gave his opinions of permanent impairment in a report dated March 4, 2019. Given the chronology of the reports, claimant has failed to prove she is due reimbursement for costs associated with Dr. Kreiter's report under Iowa Code section 85.39.

Costs are taxed at the discretion of this agency, and claimant has failed to prevail on any issue in this case. For this reason, claimant is also not due reimbursement of the costs associated with Dr. Kreiter's report as a cost under rule 876 IAC 4.33.

ORDER

Therefore, it is ordered:

That claimant shall take nothing in the way of benefits from either file.

That each party shall pay their own costs.

Signed and filed on the 19th day of September of 2019.

JAMES F. CHRISTENSON
DEPUTY WORKERS'
COMPENSATION COMMISSIONER

The parties have been served, as follows:

Robert Rosenstiel (via WCES)

Peter Thill (via WCES)

Right to Appeal: This decision shall become final unless you or another interested party appeals within 20 days from the date above, pursuant to rule 876-4.27 (17A, 86) of the Iowa Administrative Code. The notice of appeal must be in writing and received by the commissioner's office within 20 days from the date of the decision. The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday. The notice of appeal must be filed at the following address: Workers' Compensation Commissioner, Iowa Division of Workers' Compensation, 1000 E. Grand Avenue, Des Moines, Iowa 50319-0209.