

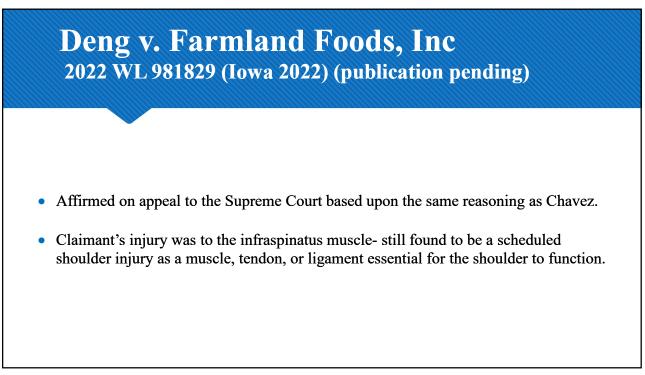
Chavez v. MS Technology LLC 2022 WL 981813 (Iowa 2022) (publication pending)

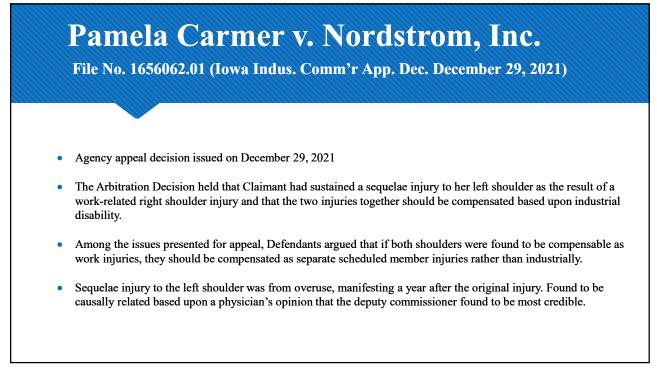
- Affirmed on appeal to the Supreme Court
- Claimant sustained a "full thickness rotator cuff tear that has retracted to the level of the glenoid, severe AC arthorosis, tendonitis, and tearing of the biceps tendon."
- Claimant argued that her injury- specifically, the biceps tendon tear- took her injury beyond the scheduled member of the shoulder because it was outside of the glenohumeral joint itself, and that she her injury should therefore be compensated industrially.
- The court concluded that the term "shoulder," as used in statutory list of scheduled member injuries for determining the award amount for permanent partial disability, was ambiguous, thereby requiring the court to rely on rules of statutory construction to construe the term.

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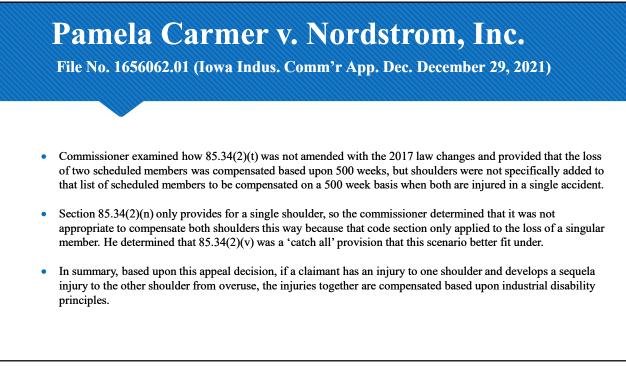
- The court concluded that the term "shoulder," as used in the statutory list of scheduled member injuries for determining the award amount for permanent partial disability benefits, was construed in a functional sense to include the glenohumeral joint as well as all of the muscles, tendons, and ligaments that were essential for the shoulder to function.
- The court concluded that claimant's injury constituted a scheduled "shoulder" injury potentially entitling her to permanent partial disability benefits, rather than an unscheduled whole body injury evaluated according to industrial disability.
- The court concluded that substantial evidence supported the commissioner's finding that claimant failed to carry her burden to prove her biceps tear resulted in any permanent disability to her arm and, thus, claimant was not entitled to industrial disability benefits.
- The court affirmed the holdings of the District Court and the Commissioner.







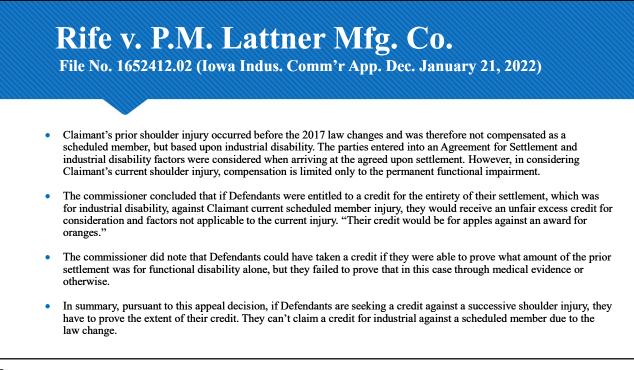




Rife v. P.M. Lattner Mfg. Co.

File No. 1652412.02 (Iowa Indus. Comm'r App. Dec. January 21, 2022)

- Agency appeal decision issued on January 21, 2022
- In the Arbitration Decision, the deputy concluded that the claimant sustained an injury to his right shoulder that did not extend to the body as a whole. The deputy further concluded that Defendants were not entitled to a credit against PPD benefits for a prior settlement in which Claimant was compensated for industrial disability resulting from an unscheduled injury.
- The Commissioner noted that there is no mechanism in the statute for apportioning past compensation for industrial disability against compensation for a scheduled member, and the amended statute does not support such apportionment; the post July 1, 2017 amendments provide that an employer "is not liable for compensating an employee's pre-existing disability that arose out of and in the course of employment from a prior injury with the same employer, to the extent that the preexisting disability has already been compensated under this chapter." Iowa Code 85.34(7)



Anderson v. Bridgestone Americas Inc.

File No. 5067475 (Iowa Indus. Comm'r App. Dec. January 25, 2022)

- Agency Appeal decision issued on January 25, 2022
- The deputy commissioner concluded that Claimant sustained permanent disability of his right arm and right shoulder as a result of the work injury, which entitled Claimant to receive industrial disability benefits pursuant to Iowa Code 85.34(2)(v).
- Based upon the same principles as *Rife*, the "catch all" provision of Iowa Code 85.34(2)(v) applies, because two scheduled members were injured in a single accident, both resulting in permanent disability, and they cannot be compensated as two members under 85.34(2)(t) because that subsection was not amended to include the shoulder.
- In summary, this case states that if an employee sustains injuries to the shoulder and the arm- or any other scheduled member- the injuries will be compensated based upon industrial disability principles.

