

**IN THE SUPREME COURT OF IOWA**

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**NO. 21-0490**

Webster County No. CVCV321086

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ALEVIA GREEN,

Plaintiff-Appellee,

v.

NORTH CENTRAL IOWA  
REGIONAL SOLID WASTE AUTHORITY and IMWCA,

Defendants-Appellants.

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APPEAL FROM THE WEBSTER COUNTY DISTRICT COURT,  
LAW NO. CVCV321086  
HONORABLE KURT L. WILKE, PRESIDING

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**COURT OF APPEALS DECISION FILED MARCH 2, 2022**

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**APPLICATION FOR FURTHER REVIEW BY APPELLANTS  
NCIRSWA and IMWCA**

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Attorneys for Appellants:

Ryan M. Clark

Brittany N. Salyars

Patterson Law Firm, L.L.P.

505 5<sup>th</sup> Avenue, Suite 729

Des Moines, IA 50309

Phone: 515-283-2147

Fax: 515-283-1002

Email: rclark@pattersonfirm.com

bsalyars@pattersonfirm.com

Attorney for Appellee:

Jerry L. Schnurr III

Wells Fargo Center

822 Central Avenue, Ste. 405

Fort Dodge, IA 50501

Phone: 515-576-3977

Fax: 515-576-0941

Email: jschnurr@schnurrllawfirm.com

**QUESTION PRESENTED FOR REVIEW**

- I. WHETHER THE COURT OF APPEALS ERRED IN AFFIRMING THE RULING OF THE DISTRICT COURT, FINDING THE IOWA WORKERS' COMPENSATION COMMISSIONER ERRED IN GRANTING THE DEFENDANTS' MOTION FOR SUMMARY JUDGMENT AND DISMISSING PLAINTIFF'S REVIEW-REOPENING PETITION BASED UPON THE DOCTRINE OF RES JUDICATA**

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Defendants-Appellants, North Central Iowa Regional Solid Waste Authority (“NCIRSWA”) and Iowa Municipalities Workers’ Compensation Association (“IMWCA”) (hereinafter collectively referred to as “Defendants”), hereby apply for further review of the March 2, 2022 decision of the Iowa Court of Appeals in this matter, pursuant to Iowa Rule of Appellate Procedure 6.1103. *See* IOWA R. APP. P. 6.1103.

### **STATEMENT SUPPORTING FURTHER REVIEW**

The Iowa Supreme Court should grant the Defendants’ Application for Further Review for at least two reasons. First, the Court of Appeals entered a decision in conflict with other decisions of the Iowa Supreme Court on the important issue of res judicata and its effect in a review-reopening proceeding. *See* IOWA R. APP. P. 6.1103 (1)(b)(1) (2022). Specifically, there is a conflict between the Court of Appeals’ ruling in this matter and the Iowa Supreme Court case of *Kohlhaas v. Hog Slat, Inc.*, which makes clear that “[Iowa Code] section 86.14(2) does not provide an opportunity to relitigate causation issues that were determined in the initial award . . . .” *Kohlhaas v. Hog Slat, Inc.*, 777 N.W.2d 387, 393 (Iowa 2009).

Over a period of more than six years, Plaintiff-Appellee Alevia Green (“Plaintiff”) had the opportunity to litigate the entirety of her workers’ compensation claim involving these Defendants. After an initial arbitration hearing, intra-agency appeal, and judicial review proceeding, it was conclusively determined that Plaintiff failed to prove a causal relationship between her work injury and any alleged permanent disability. Nonetheless, in an apparent attempt to take a “second bite at the apple”, Plaintiff filed a review-reopening Petition, which is the subject of this appeal.

Iowa Code section 86.14(2) governs review-reopening proceedings and provides that the Iowa Workers’ Compensation Commissioner may re-open a prior award to inquire into “whether or not the condition of the employee warrants an end to, diminishment of, or increase of compensation”. IOWA CODE § 86.14(2) (2022). When a worker seeks increased compensation through review-reopening, she has the burden of proving, by a preponderance of the evidence, that her current condition was “*proximately caused* by the original injury.” *Kohlhaas*, 777 N.W.2d at 391 (quoting *Simonson v. Snap-On Tools Corp.*, 588 N.W. 430, 434 (Iowa 1999)) (emphasis added). Once that burden is met, the Commissioner must then evaluate “the condition of the employee, which is found to exist

subsequent to the date of the award being reviewed”. *Id.* (citing *Stice v. Consol. Ind. Coal Co.*, 228 Iowa 1031, 1038, 291, N.W. 452, 456 (1940)). The Commissioner, on review-reopening, does not “re-determine the condition of the employee which was adjudicated by the former award.” *Id.* The Iowa Court of Appeals’ ruling effectively allows Plaintiff to use a review-reopening proceeding as a vehicle to relitigate causation issues that were already litigated and decided against her. This is in clear contravention of the Iowa Supreme Court’s directives in *Kohlhaas*. *See id.*

Second, this case presents issues of broad public importance relating to the longstanding doctrine of res judicata and the fundamental purposes of Iowa’s Workers’ Compensation Act, which the Iowa Supreme Court should ultimately decide. *See* IOWA R. APP. P. 6.1103(1)(b)(4) (2022). As the Iowa Supreme Court has recognized, the doctrine of res judicata serves several important purposes: protecting litigants from “the vexation of relitigating identical issues with identical parties . . . and [furthering] the interest of judicial economy and efficiency by preventing unnecessary litigation.” *Winnebago Indus., Inc. v. Haverly*, 727 N.W.2d 566, 571—72 (Iowa 2006) (citations and quotations omitted). Thus, the doctrine of res judicata provides finality to judicial decision. *Young v. O’Keefe*, 248 Iowa 751,

755—56, 82 N.W.2d 111, 114—15 (1957). In addition, the Iowa Court of Appeals’ decision in this matter defeats the very purpose of the Iowa Workers’ Compensation Act, which is to resolve claims based upon work-related injuries as quickly and efficiently as possible:

The fundamental reason for the enactment of [the Iowa Workers’ Compensation system] is to avoid litigation, lessen the expense incident thereto, minimize appeals, and afford an efficient and speedy tribunal to determine and award compensation under the terms of [the Iowa Workers’ Compensation Act]

*See Kohlhaas*, 777 N.W.2d at 393 (internal citation and quotation omitted).

The Agency correctly found that Plaintiff’s claims should be dismissed on summary judgment, based upon the doctrine of res judicata. However, the Agency’s decision was overruled by the District Court on judicial review, and the District Court’s decision was affirmed by the Iowa Court of Appeals on March 2, 2022. Defendants respectfully request the Iowa Supreme Court accept this Application for Further Review and reverse the March 2, 2022 decision of the Court of Appeals, upholding the important and longstanding doctrine of res judicata, and providing the parties with a final resolution of this workers’ compensation matter after nearly eight years of litigation.



## **STATEMENT OF THE CASE**

### ***Initial Pleadings***

Plaintiff filed an Original Notice and Petition in Arbitration with the Iowa Workers' Compensation Commissioner against the Defendants on December 11, 2012. (Petition, p. 1, App. p. 7). Her Petition alleged a permanent work injury to her head and neck occurred on April 30, 2012 and continuing. (*Id.* at ¶¶ 5–8, App. p. 1). An Arbitration hearing was eventually held on October 6, 2014, at which time the following issues were addressed: temporary benefits; whether the work injury of April 30, 2012 caused any permanent disability, and if so, the commencement date and extent of benefits; medical benefits; and penalties. (Arb. Dec'n., p. 1, App. p. 8).

In his decision, Deputy Workers' Compensation Commissioner Stan McElderry held that (1) Plaintiff “did not meet her burden of establishing that the work injury of April 30, 2012 caused any permanent impairment or loss of earnings capacity”; (2) there was “nothing in the record to support additional benefits being owed to the [Plaintiff] beyond those [already] paid”; (3) Plaintiff “did sustain an injury arising out of and in the course of employment, but the employer ha[d] reimbursed the [Plaintiff] for all reasonable medical expenses incurred in the treatment of the injury”; and (4)

there was no evidence to support a penalty award. (*Id.* at pp. 5, 6, 8 (emphasis added), App. pp. 12, 13, 15). The Deputy Commissioner specifically reasoned that Plaintiff suffered no permanent impairment because “[t]he treating doctors almost without exception found symptom magnification, a mild (at most) brain injury that resolved quickly, and no objective measures of permanent physical injury.” (*Id.* at p. 5, App. p. 12) (emphasis added).

### ***Plaintiff’s First Intra-Agency Appeal***

Plaintiff appealed the Arbitration decision through the Agency, and in his decision filed April 11, 2016, Workers’ Compensation Commissioner Joseph Cortese II affirmed the deputy commissioner’s decision in all respects. (Notice of Appeal 12/29/14, App. p. 17; Appeal Dec’n, p. 2, App. p. 19). Regarding permanent disability, Commissioner Cortese specifically held that Plaintiff did not carry her burden of proving she sustained permanent injuries to her brain, neck, back, or right shoulder. (Appeal Dec’n, p. 19, App. p. 36). He based this opinion on the fact that several of Plaintiff’s doctors noted symptom magnification and non-physiological reports of symptoms. (*Id.*). Regarding medical benefits, Commissioner Cortese held that the defendants would not be responsible for any ongoing

or future medical care or treatment; in fact, they were not responsible for any medical care or treatment beyond what had already been paid. (*Id.* at p. 20, App. p. 37).

### ***First Judicial Review Proceeding***

Following the Agency appeal, Plaintiff next sought judicial review of the Appeal Decision through the Iowa District Court in and for Webster County. (Ruling on Petition for Judicial Review (“Dist. Ct. Dec’n”), filed 5/1/17, p. 1, App. p. 39). The District Court found there was substantial evidence to support the Commissioner’s determination that Plaintiff did not prove her stipulated injury **caused** the alleged permanent disabilities to her brain, neck, back, or right shoulder. (*Id.* at pp. 13–18, App. pp. 51—56). However, the district court found error in the Commissioner’s determination that Plaintiff failed to meet her burden in establishing entitlement to medical benefits, stating that the Commissioner did not adequately articulate the reasoning behind his decision that any care which was not paid or reimbursed was either unnecessary or unauthorized. Thus, the case was remanded to the Commissioner to conduct such analysis. (*Id.* at pp. 18–21, App. pp. 56—59).

On remand, the Commissioner conducted a thorough analysis to address the issue of whether there was a causal connection between Plaintiff's injury and her claimed medical expenses. (Remand Dec'n, pp. 4—8, App. pp. 64—68). The Commissioner ultimately ordered that the defendants were liable for the following charges: Trinity Regional Medical Center for date of service April 30, 2012; Iowa Clinic, UnityPoint Clinic, and Iowa Methodist Medical for date of service April 30, 2012 through May 2, 2012; and UnityPoint Clinic for date of service May 17, 2012. The defendants were not liable for any other charges (including any future medical care). (*Id.* at pp. 7—8, App. pp. 67—68).

### ***Review-Reopening Proceeding***

Nearly six years following her injury, on June 4, 2018, Plaintiff filed her Review-Reopening Petition with the Iowa Workers' Compensation Commissioner against NCIRSWA and IMWCA. (Review-Reopening Petition, p. 1, App. p. 69). Plaintiff's Review-Reopening Petition alleged a dispute regarding the "extent"<sup>1</sup> of her disability from the April 30, 2012

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<sup>1</sup> As is established below, Defendants assert the extent of Plaintiff's disability is not actually in dispute in the instant action, and any alleged worsening in Plaintiff's condition is irrelevant because Plaintiff is precluded, as a matter of law, from seeking review-reopening given the final Agency action and findings in the underlying Petition in Arbitration. This

alleged injury, and additionally alleged Iowa Code section 85.27 expenses with various providers. (*Id.* at p. 1, ¶¶ 4–10, App. p. 69). Plaintiff’s Review-Reopening Petition alleged the same facts as in her original Petition regarding how the injury occurred and which areas of the body were affected. (*Compare id.* at p. 1, ¶¶ 4–5, App. p. 69 with Petition at ¶¶ 4–5, App. p. 1).

In response to the Review-Reopening Petition, Defendants filed a Motion for Summary Judgment on September 13, 2018, asserting they are entitled to judgment as a matter of law because res judicata principles prevented the Agency from reevaluating the issue of Plaintiff’s alleged impairment. (*See* Ruling on Def’s MSJ, pp. 1—2, App. pp. 156—57). On October 11, 2018, Deputy Workers’ Compensation Commissioner Stephanie Copley (hereinafter “Deputy Copley”) filed her Ruling, granting Defendants’ Motion for Summary Judgment. (Ruling on Def’s MSJ, p. 6, App. p. 161). In so ruling, Deputy Copley found that Plaintiff was precluded from bringing a review-reopening claim because she “was awarded no compensation that could be ended, diminished, or increased upon review-

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issue is at the crux of the instant Application and is the source of the apparent confusion by the District Court and Court of Appeals.

reopening”, and such an award of compensation is a prerequisite to determining whether Plaintiff has sustained a change in her condition. (*Id.* at p. 4, App. p. 159). She agreed with Defendants that Plaintiff was precluded from seeking review-reopening due to res judicata principles. (*See id.* at pp. 3–6, App. p. 158—61).

### ***Plaintiff’s Appeal from Review-Reopening Decision***

Plaintiff appealed the Ruling of Deputy Copley. (Notice of Appeal 10/22/18, App. pp. 165—66). On January 16, 2020, Iowa Workers’ Compensation Commissioner Joseph S. Cortese II affirmed Deputy Copley’s Ruling. (Ex B, Review-Reopening App. Dec., p. 6, App. p. 172). Plaintiff then filed her Petition for Judicial Review with the Iowa District Court for Webster County on February 12, 2020, asking the Court to reverse the Commissioner’s Review-Reopening Appeal Decision and remand the matter to the Agency. (*See* Ex. C, Order on Petition for Judicial Review, p. 3, App. p. 176).

### ***Second Judicial Review Proceeding (Review-Reopening)***

On January 20, 2021, the parties presented oral arguments to the district court regarding the issues in the Judicial Review proceeding. (Scheduling Order – Judicial Review, p. 1, App. p. 178). Ultimately, on

March 3, 2021, the district court entered its Order on Petition for Judicial Review. (Ex. C, Order on Petition for Judicial Review, p. 1, App. p. 180). The district court found that there was no factual issue “as to the procedural history or disposition of Plaintiff’s underlying claim” and, thus, affirmed the Commissioner’s finding that there was no genuine issue of material fact. (See Ex. C, Order on Petition for Judicial Review, p. 7, App. p. 186). However, the district court also concluded that “the Commissioner’s conclusion that Green’s lack of award renders it incapable of being increased is illogical” and that “[t]he conclusion that Green is precluded from bringing a review-reopening claim is erroneous”. (See *id.* at p. 9, App. p. 188). Thus, the district court ordered that the Commissioner’s decision was affirmed in part, reversed in part, and that the case should be remanded to the Commissioner. (See *id.* at p. 10, App. p. 189).

Pursuant to Iowa Rule of Civil Procedure 1.904, Defendants filed a Motion for Clarification, Enlargement and Modification (hereinafter “Rule 1.904 Motion”) on March 12, 2021. On March 29, 2021, the district court entered its order denying the Defendants’ Rule 1.904 Motion, stating, in pertinent part, as follows:

The plaintiff alleges that her review reopening claim is supported by a number of health care professionals. To deny the plaintiff a review reopening based not on causation, but solely on how the extent of the injuries appeared years ago would be to deny any possibility that the injuries could increase in disability. That is illogical and summary judgment based on res judicata is erroneous.

(Ex. D, Order on Rule 1.904 Motion, p. 2, App. p. 212). Defendants then timely filed their Notice of Appeal on April 14, 2021. (Notice of Appeal 4/14/21, App. p. 214).

***Disposition of the Iowa Court of Appeals***

Defendants' appeal was transferred to the Iowa Court of Appeals, and Oral Argument was held on January 14, 2022. Finally, on March 2, 2022, the Iowa Court of Appeals issued its ruling, affirming the decision of the District Court and remanding to the Agency for further proceedings. (Ex. A, Court of Appeals Ruling, March 2, 2022).



## **BRIEF/ARGUMENT**

### **I. THE COURT OF APPEALS ERRED IN AFFIRMING THE RULING OF THE DISTRICT COURT, FINDING THE IOWA WORKERS' COMPENSATION COMMISSIONER ERRED IN GRANTING THE DEFENDANTS' MOTION FOR SUMMARY JUDGMENT AND DISMISSING PLAINTIFF'S REVIEW-REOPENING PETITION BASED UPON THE DOCTRINE OF RES JUDICATA**

In its March 2, 2022 ruling, the Court of Appeals first states that the Defendants argue, “that because the Commissioner previously concluded Green did not experience a permanent disability, she is barred by res judicata from seeking review-reopening”. (Ex. A, Court of Appeals Ruling, p. 7). The Court of Appeals further found that such an argument does not comport with the review-reopening statute and Iowa case law. *See id.* The Court of Appeals’ findings in this regard are erroneous for two reasons. First, they misconstrue the Defendants’ arguments on appeal, and second, they rely upon case law which is factually distinguishable from the case *sub judice*. Importantly, the controlling law on this issue actually and directly supports a finding that the Agency was correct in granting summary judgment in favor of the Defendants, based upon the doctrine of res judicata.

Defendants do not assert “that because the Commissioner previously concluded Green *did not experience a permanent disability*, she is barred by res judicata from seeking review-reopening”. (See Ex. A, Court of Appeals Ruling, p. 7 (emphasis added)). The question presented by the Defendants in their Motion for Summary Judgment before the Agency was whether the Plaintiff had a right to file for, or seek, review-reopening when she failed, in the underlying case, to prove any permanent disability *caused by* her work injury. **It was not a question of the extent of disability, but one of proximate cause.** Under the facts and law, the Agency correctly concluded Plaintiff did not have such right.

**A. *Beier Glass Co. v. Brundige* Is Not Controlling**

The Iowa Court of Appeals notes that the Iowa Supreme Court found, in *Beier Glass Co. v. Brundige*, that an award of only medical benefits can be reviewed on review-reopening. Importantly, *Beier Glass* involves facts and issues that are entirely, and very materially, different from the case *sub judice*, and is thus not controlling authority. The issue in *Beier Glass* was “whether a workers’ compensation arbitration award of solely medical benefits renders a subsequent petition for disability benefits subject to the three-year statute of limitations on review-reopening or the two-year

limitation on original claims.” *Beier Glass*, 329 N.W.2d 280, 281 (Iowa 1983). Here, the Commissioner found Plaintiff was, and is, precluded from filing a review-reopening petition because she already had the opportunity to fully litigate her case, and it has already been decided that she failed to prove a causal relationship to any alleged permanent disability. In addition, unlike in *Beier Glass*, here Plaintiff was not awarded any benefits beyond those which had already been paid; thus, the Commissioner correctly concluded there was no award of benefits that could be subject to review in a review-reopening proceeding. Therefore, *Beier Glass* is simply not controlling authority for the particular issue before the Court.

**B. Plaintiff Cannot Seek Review-Reopening When She has Already Litigated the Issue of Causation and the Issue has Been Resolved Against Her**

In its March 2, 2022 ruling, the Iowa Court of Appeals stated as follows:

The parties do not dispute Green suffered a work-related injury. The employer contends res judicata bars Green’s further recovery because the agency concluded she did not suffer permanent impairment following her 2012 work related injury. But, Green alleges a change of her condition and that her *current* condition constitutes a worsening of her physical condition or that a temporary disability has developed into a permanent disability condition. Both allegations, if

proved, are ways to warrant a review-reopening.

(Ex. A, Court of Appeals Ruling, p. 8 (emphasis in original)). As Deputy Copley stated in her Ruling on Defendants' Motion for Summary Judgment, any argument relating to the causal relation of Plaintiff's *current* treatment to her work injury or an alleged worsening of physical condition is "putting the cart before the horse." (Ruling on Def's MSJ, p. 3). Those issues could be determined in a hearing on review-reopening, but *only if* Plaintiff had the right to file the petition in the first place. See *Kohlhaas v. Hog Slat, Inc.*, 777 N.W.2d 387, 393 (Iowa 2009) (noting that res judicata principles apply to review-reopening proceedings, and "that **the agency, in a review-reopening petition, should not reevaluate an employee's level of physical impairment or earning capacity if all of the facts and circumstances were known or knowable at the time of the original action**" (emphasis added)). Here, Plaintiff did not have such right.

In the Review-Reopening Appeal Decision, the Commissioner specifically recognized that the worsening of a claimant's condition and/or the development of a temporary disability into a permanent disability "are recognized avenues for proving a change in condition" for purposes of review-reopening. However, "they cannot be utilized when, as in this case,

the issues of claimant's entitlement to future medical benefits and temporary and permanent disability **were previously ripe for determination and were decided adversely to claimant.**" (Ex. B, Review-Reopening Appeal Dec., p. 4) (emphasis added). In essence, one cannot re-start a race she has already lost.

In this case, a finding was made that Plaintiff was not entitled to any award of future medical benefits, any additional temporary benefits, or any permanent disability benefits, because she "failed to prove her work injury **caused** any temporary disability beyond that already paid by defendants or any permanent disability or loss of earning capacity." (*Id.* at p. 5. (emphasis added)). Importantly, it was also found that Plaintiff "**failed to prove the causal relationship** between her work injury and future medical care given that her injuries had resolved and her treating physicians and independent medical examination doctor were not recommending additional care." (*Id.* (emphasis added)). These finding were affirmed at each level of appeal through the Agency and the District Court. Thus, the Commissioner found Plaintiff was and is precluded from filing a review-reopening petition **because she already had the opportunity to fully litigate her case, and it has already been decided that she failed to prove a causal relationship**

**to any alleged disability.** (See Ex. B, Review-Reopening App. Dec., pp. 4—5). This conclusion is well-supported by Iowa law.

Although a claimant will not be required to show that her current symptoms were not contemplated at the time of the original settlement, res judicata principles still apply in review-reopening proceedings. *Kohlhaas*, 777 N.W.2d at 393. The agency cannot reevaluate the claimant’s physical impairment level or earning capacity “if all of the facts and circumstances were known or knowable at the time of the original action.” *Id.* To allow otherwise would defeat the purpose behind the legislature’s enactment of the Workers’ Compensation Act: “to avoid litigation, lessen the expense incident thereto, minimize appeals, and afford an efficient and speedy tribunal to determine and award compensation.” *Id.* (citing *Stice v. Consol. Ind. Coal Co.*, 291 N.W. 452, 456 (Iowa 1940)). Thus, after adjudication and absent appeal and remand, the commissioner has no authority to change compensation based upon the same or substantially same facts that were previously considered and determined. *Id.*

The Iowa Supreme Court in *Kohlhaas v. Hog Slat, Inc.* and *Rose v. John Deere Ottumwa Works* held that a claimant may seek review-reopening when he or she has sustained a temporary disability that later

becomes a permanent disability. *Kohlhaas*, 777 N.W.3d at 382; *Rose*, 247 Iowa 900, 76 N.W.3d 756, 759 (Iowa 1956). However, to understand this holding, it is important to review the factual background of *Rose*, the case in which the Iowa Supreme Court first recognized this method of demonstrating a change in condition for purposes of review-reopening.

In *Rose*, the claimant injured his back while working for the employer. *Rose*, 76 N.W.2d at 758. As a result of the injury, he missed several weeks of work. *Id.* His employer voluntarily paid medical benefits and weekly benefits. *Id.* Importantly, before the claimant filed his review-reopening petition, there was no award or settlement agreement, and instead, the weekly benefits “were made for, and on the assumption there was only, temporary disability.” *Id.* **Therefore, in *Rose*, before the review-reopening petition was filed, the issue of causation for any permanent disability had not yet been conclusively determined. That is not true in the instant case.**

The claimant in *Rose* later filed a review-reopening petition, asserting that he suffered from permanent partial disability as a result of his work injury. *Id.* On review-reopening, the deputy commissioner found that the claimant had, in fact, suffered permanent partial disability as a result of his

work injury. *Id.* Importantly, this was the first time any analysis or decision had been made regarding whether the claimant's work injury had **caused** any permanent disability. *See id.*

Here, unlike in *Rose*, there has already been a determination regarding whether Plaintiff suffered any permanent disability as a result of her work injury. *See id.* In other words, unlike in *Rose*, this review-reopening would not be the first time Plaintiff has the opportunity to litigate the issue of causation as applied to any permanent disability. *See id.* Rather, Plaintiff had the opportunity to litigate the issue in Arbitration, on intra-agency Appeal, and on Judicial Review. Thus, unlike in *Rose*, here Plaintiff is attempting to relitigate the issue of causation for any disability, which has already been litigated and decided, and the Iowa Supreme Court has held that this is an impermissible use of review-reopening proceedings. *See Kohlhaas*, 777 N.W. 2d at 393.

In addition, the Agency correctly distinguished *Kohlhaas* from the instant case as follows:

The court in Kohlhaas recognized review-reopening proceedings are intended to address 'future developments,' meaning changes that occur after the initial award or settlement, such as a claimant reaching MMI after an initial award of



running healing period benefits, or a claimant sustaining a compensable diminution of earning capacity after an initial award of industrial disability. See Kohlhaas, 777 N.W.2d at 392. **However, given the court’s holding that review-reopening proceedings are not to be used as a tool to relitigate causation issues that were decided in the initial award, the court’s reference to ‘future developments’ was not an invitation to [Plaintiff] to take a ‘second bite at the apple’ regarding issues that have already been litigated and decided.**

(*See* Ex. B, Review-Reopening App. Dec., p. 6 (emphasis added)). **In other words, Plaintiff “cannot be allowed to resurrect her claims by simply seeking additional treatment after the initial award”, when it has been conclusively established that “her condition resolved without any permanent disability, she sustained no temporary disability beyond what was already paid, and she is not entitled to future medical benefits.”** (*See id.* (emphasis added)).

In essence, the only way Plaintiff can ever recover, based upon the history of this case, is if she is allowed to relitigate the issue of causation as to her alleged disability. To do so would be an impermissible use of a Review-Reopening proceeding under Iowa law. Therefore, the Agency decision, granting summary judgment in favor of the Defendants based upon

res judicata principles, should have been affirmed. Defendants respectfully request the Iowa Supreme Court grant their Application for Further Review and find that the Court of Appeals decision should be overruled, thus reinstating the final Agency decision.

### **CONCLUSION**

In sum, for the reasons set forth above, the Agency correctly ruled in favor of the Defendants on their Motion for Summary Judgment, dismissing Plaintiff's Petition for Review-Reopening. There are no genuine issues of material fact on the question of whether Plaintiff's claims are barred by the principle of res judicata. Any facts regarding the medical treatment Plaintiff sought on her own, after the Arbitration Decision, are simply irrelevant and immaterial to this issue. The Commissioner correctly applied Iowa law to the facts of this case and found that Plaintiff's claims were barred, as she failed to prove any permanent disability caused by her work injury and could not use a Review-Reopening Petition as a vehicle to re-litigate the issue of causation. Therefore, the District Court's decision on Review-Reopening should have been reversed, and the Commissioner's decision should have been affirmed in its entirety. Defendants respectfully request the Iowa Supreme Court grant their Application for Further Review and

reverse the decision of the Iowa Court of Appeals, which erroneously affirmed the District Court decision.

**REQUEST FOR ORAL ARGUMENT**

Defendants respectfully request to be heard orally upon the acceptance of this Application for Further Review.

Respectfully submitted,

**PATTERSON LAW FIRM, L.L.P.**

505 Fifth Avenue, Suite 729

Des Moines, IA 50309-2390

Phone: 515-283-2147

FAX: 515-283-1002

Email: [rclark@pattersonfirm.com](mailto:rclark@pattersonfirm.com)

Email: [bsalyars@pattersonfirm.com](mailto:bsalyars@pattersonfirm.com)

By: /s/ Ryan M. Clark  
Ryan M. Clark AT0001578

By: /s/ Brittany N. Salyars  
Brittany N. Salyars AT0013832

**ATTORNEYS FOR  
DEFENDANTS-APPELLANTS  
NCIRSWA and IMWCA**

### **CERTIFICATE OF COST**

I, Brittany N. Salyars, certify that there were no costs to reproduce copies of the preceding application because the Application for Further Review is being filed exclusively in the Iowa Supreme Court's EDMS filing system.

### **CERTIFICATE OF COMPLIANCE WITH TYPEFACE REQUIREMENTS AND TYPE-VOLUME LIMITATION**

This application complies with the typeface requirements and type-volume limitations of Iowa R. App. P. 6.1103(4) because:

1. This application has been prepared in a proportionally spaced typeface using Times New Roman style in 14 point font, and contains 4,523 words, excluding the parts of the application exempted by Iowa R. App. P. 6.1103(4)(a).

/s/ Brittany N. Salyars

**CERTIFICATE OF FILING AND SERVICE**

The undersigned hereby certified that a true and correct copy of the foregoing Application for Further Review was served on the attorney of record for the Plaintiff-Appellee by filing the same with the Iowa Electronic Document Management System (EDMS) on March 18, 2022. The following attorney of record was served via EDMS:

Jerry L. Schnurr III  
Wells Fargo Center  
822 Central Avenue, Suite 405  
Fort Dodge, IA 50501  
**ATTORNEYS FOR  
PLAINTIFF-APPELLEE  
ALEVIA GREEN**

/s/ Brittany N. Salyars  
Brittany N. Salyars

IN THE COURT OF APPEALS OF IOWA

No. 21-0490  
Filed March 2, 2022

**ALEVIA GREEN,**  
Plaintiff-Appellee,

**vs.**

**NORTH CENTRAL IOWA REGIONAL SOLID WASTE AUTHORITY and  
IOWA MUNICIPALITIES WORKERS' COMPENSATION ASSOCIATION,**  
Defendants-Appellants.

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Appeal from the Iowa District Court for Webster County, Kurt L. Wilke,  
Judge.

In this review-reopening action, an employer and its insurer appeal the  
district court's reversal of the workers' compensation commissioner's grant of  
summary judgment in their favor. **AFFIRMED AND REMANDED.**

Ryan M. Clark and Brittany N. Salyars of Patterson Law Firm, L.L.P., Des  
Moines, for appellants.

Jerry L. Schnurr III of Schnurr Law Firm, P.C., Fort Dodge, for appellee.

Heard by Bower, C.J., and Vaitheswaran and Chicchelly, JJ.

**EX. A**

**BOWER, Chief Judge.**

In this review-reopening action, an employer and its insurer appeal the district court's reversal of the workers' compensation commissioner's grant of summary judgment in their favor.<sup>1</sup> Because we agree the commissioner erred in granting the employer's motion for summary judgment, we affirm with directions to remand to the agency for further proceedings.

**I. Background Facts and Proceedings.**

On April 30, 2012, Alevia Green was sorting newspapers at the employer's recycling center when a truck unloaded more paper from a dumpster and a dumpster door fell off and hit Green in the head and neck. She suffered "cervical strain, head trauma, and right shoulder strain." The employer paid temporary disability benefits from April 30 to August 7, 2012. On August 8, she was found to have reached maximum medical improvement "with symptoms of resolving cervical strain, closed head trauma, and right shoulder strain." She continued to experience migraine headaches.

*Arbitration proceedings.* Green sought workers' compensation benefits for permanent disability. Further background proceedings were summarized by a deputy workers' compensation commissioner:

At the October 6, 2014 [arbitration] hearing, the parties stipulated [Green] sustained a work-related injury resulting in temporary disability, though they disputed whether [her] injury caused any permanent disability or additional periods of temporary disability.

In an arbitration decision issued on December 19, 2014, a deputy workers' compensation commissioner determined [Green] did not meet her burden of establishing that her work injury caused

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<sup>1</sup> The employer, North Central Iowa Regional Solid Waste Authority, and its workers' compensation insurer, Iowa Municipalities Workers' Compensation Association, will be referred collectively as the employer.

any permanent impairment or loss of earning capacity. Specifically, the deputy commissioner found “[Green] suffered mild (at most) brain injury and some relatively minor physical injury, all of which resolved without any permanency.” The deputy commissioner also determined [Green] was not entitled to additional temporary benefits or medical benefits beyond those already paid by [the employer]. He noted the period of temporary benefits sought by [Green] was “long after [Green’s] temporary disability was *resolved*” and that [the employer] had “reimbursed [Green] for all reasonable medical expenses incurred in the treatment of the injury.” [Green] appealed.

On April 11, 2016, the commissioner issued an appeal decision affirming the arbitration decision in its entirety with some additional analysis. The commissioner specifically affirmed the deputy commissioner’s finding that [Green] failed to carry her burden of proof that her work injury caused permanent disability. The commissioner also specifically affirmed the deputy commissioner’s finding that [the employer was] not responsible for any additional medical care or treatment beyond what had already been paid. Based on the fact that neither [Green’s] own independent medical examiner nor any of her authorized treating medical providers were recommending additional treatment for her work injury, the commissioner added that “[the employer is] not responsible for any ongoing or future medical care or treatment.” Lastly, because the deputy commissioner’s finding that [Green] was not entitled to additional temporary benefits was not appealed, it was not addressed by the commissioner. [Green] then filed a petition for judicial review.

On May 1, 2017, the district court issued its ruling. The court affirmed the commissioner’s decision but for his findings regarding [Green]’s claims for reimbursement of past medical expenses. That portion of the decision was reversed and remanded.

In a remand decision dated March 8, 2018, the commissioner found [the employer] liable for past medical charges incurred [between] . . . April 30, 2012 . . . and . . . May 17, 2012. The commissioner determined [the employer was] liable for no other charges.

*Petition for review-reopening.* On June 4, 2018, Green filed a petition for review-reopening, asserting she was permanently and totally disabled as a result of the April 30, 2012 injury. The employer filed a motion for summary judgment, asserting it was entitled to judgment as a matter of law because Green could not relitigate the extent of her injuries. Green resisted, alleging “her condition arising



out of her injury of April 30, 2012[,] has worsened or her temporary disability has developed into a permanent impairment and disability.” Green asserted genuine issues of material fact precluded summary judgment and attached documentation of medical treatments attributed to her 2012 injury, including an April 28, 2015 notation by Dr. Shahnawaz Karim, which states:

A [thirty-nine]-year-old female with headaches that started after the injury. She does seem to be depressed. At this point, I am not sure how much of her disability is because of the associated psychiatric problems. I did advise the patient that the recovery is going to take time, that depression and migraine headaches are inter-related. Weight loss is going to help. I have started the patient on [medication]. I have given her written instructions. In future I will try to get the records for neuropsychological testing from Dr. Andrikopoulos. Followup in [three] months.

On July 29, 2015, Dr. Karim notes:

History of present illness: Patient is a [thirty-nine]-year-old female with long-standing history of migraine headaches. Patient states that headache frequency has not changed. . . . She does not have a job currently. She admits to having social anxiety. She has a psychiatrist and was getting therapy. . . . She stated that psychotherapy was helpful. She does not have a job but is interested in finding one. She still feels sad.

Green participated in physical therapy from January through March 2017. She was evaluated for chronic pain by Dr. Bushra Nauman on September 15, 2017. Green reported pain beginning at the base of her skull and shooting up into her forehead and temples and pain at the top of her right shoulder and in between her shoulder blades, which had continued since the work injury. Dr. Nauman performed trigger point injections in October, and Green participated in additional physical therapy in February and March 2018.

On October 11, 2018, a deputy commissioner granted the employer summary judgment, ruling “the issues of [Green’s] entitlement to future medical

benefits and temporary and permanent disability were previously ripe for determination and decided adversely to [her].” The deputy wrote:

At the outset, before inquiry can be made into whether claimant sustained a change in condition, there must first be an award of compensation. See Iowa Code § 86.14(2) [(2018)]. Without an award of compensation, there is nothing to end, diminish, or increase. See *id.* In this case, it was determined that [Green] sustained a temporary injury that had resolved by the underlying hearing. Because [Green’s] injury resolved, the commissioner found [she] sustained no permanent disability and was not entitled to temporary disability benefits beyond those already paid. Given that [Green’s] condition resolved and there were no recommendations for future care, the commissioner also determined [the employer was] not responsible for future medical care. Based on these determinations, [Green] was awarded no compensation that could be ended, diminished, or increased upon review-reopening. Because [Green] failed to satisfy the prerequisite to the inquiry of whether she sustained a change in condition, I conclude [she] is precluded from bringing a review-reopening claim.

On intra-agency appeal, the commissioner affirmed the grant of summary judgment to the employer, agreeing that Green’s “claim for permanency has already been litigated and decided.”

Green then sought judicial review. The district court reversed the commissioner, concluding “the commissioner’s conclusion that Green’s lack of award renders it incapable of being increased is illogical. The conclusion that Green is precluded from bringing a review-reopening claim is erroneous.” The court explained:

The commissioner presumes that if no compensable injuries were proven at the arbitration hearing, they can never be proven to have changed in condition. But the review-reopening presupposes a potential “change in condition” (including from temporary to permanent). Such a change in condition may still be causally related to a work injury. On this matter, the parties have a difference of opinion as to the medical evidence produced on the present claim (whether a temporary injury has morphed into a permanent one). Such a difference of opinion as to a matter so consequential is a

genuine issue of material fact. Because such a fact issue exists, the [employer is] not entitled to summary judgment. Green's review-reopening claim is not barred by res judicata. The commissioner's conclusion to the contrary was erroneous.

The employer now appeals, asserting the district court erred in concluding Green's review-reopening petition was not barred by res judicata.

## **II. Scope and Standards of Review.**

On a petition for judicial review of a commissioner's decision, the district court acts in an appellate capacity to correct errors of law. See *Mike Brooks, Inc. v. House*, 843 N.W.2d 885, 888-89 (Iowa 2014). When the judicial-review ruling is appealed, the appellate court applies "the standards of chapter 17A to determine whether we reach the same conclusions as the district court. If we reach the same conclusions, we affirm; otherwise we may reverse." *Id.* at 889.

We also review summary judgment rulings for correction of errors of law. *Kunde v. Est. of Bowman*, 920 N.W.2d 803, 806 (Iowa 2018).

"[W]e are not bound by the agency's interpretation of the law and 'may substitute our interpretation for the agency's.'" *Grant v. Iowa Dep't of Hum. Servs.*, 722 N.W.2d 169, 173 (Iowa 2006) (emphasis and citation omitted). Whether res judicata is applicable is question of law. See *id.*

## **III. Discussion.**

We begin with the statutory provisions applicable here. Iowa Code section 86.14(2) addresses review-reopening proceedings: "In a proceeding to reopen an award for payments or agreement for settlement as provided by section 86.13, inquiry shall be into whether or not the condition of the employee

warrants an end to, diminishment of, or increase of compensation so awarded or agreed upon.” Iowa Code section 85.26(2) states, in part:

An award for payments or an agreement for settlement provided by section 86.13 for benefits under this chapter or chapter 85A or 85B, where the amount has not been commuted, may be reviewed upon commencement of reopening proceedings by the employer or the employee within three years from the date of the last payment of weekly benefits made under the award or agreement.

The employer argues that because the commissioner previously concluded Green did not experience a permanent disability, she is barred by *res judicata* from seeking review-reopening. This premise is not supported by the statute or our case law. In *Beier Glass Co. v. Brundige*, our supreme court discussed the history and procedure of claim review-reopening, including a reference to section 86.14(2), and concluded an “award” of only medical benefits is eligible for a review-reopening. 329 N.W.2d 280, 282–86 (Iowa 1983).

In *Kohlhaas v. Hog Slat, Inc.*, the Iowa Supreme Court clarified what was needed to justify a review-reopening claim, stating:

The workers’ compensation statutory scheme contemplates that future developments (post-award and post-settlement developments), including the worsening of a physical condition or a reduction in earning capacity, should be addressed in review reopening proceedings. Iowa Code § 86.14(2). The review-reopening claimant need not prove, as an element of his claim, that the current extent of disability was not contemplated by the commissioner (in the arbitration award) or the parties (in their agreement for settlement).

A compensable review-reopening claim filed by an employee requires proof by a preponderance of the evidence that the claimant’s *current* condition is “proximately caused by the original injury.”

777 N.W.2d 387, 392 (Iowa 2009) (emphasis added) (citation omitted).

The doctrine of *res judicata* includes both claim preclusion and issue preclusion. . . . Under issue preclusion, once a court has

decided an issue of fact or law necessary to its judgment, the same issue cannot be relitigated in later proceedings. . . . Under our four-part test, the doctrine applies to prevent relitigation if:

- (1) the issue determined in the prior action is identical to the present issue; (2) the issue was raised and litigated in the prior action; (3) the issue was material and relevant to the disposition in the prior action; and (4) the determination made of the issue in the prior action was necessary and essential to that resulting judgment.

*Winnebago Indus., Inc. v. Haverly*, 727 N.W.2d 567, 571–72 (Iowa 2006) (citations omitted).

The parties do not dispute Green suffered a work-related injury. The employer contends res judicata bars Green's further recovery because the agency concluded she did not suffer permanent impairment following her 2012 work related injury. But, Green alleges a change of her condition and that her *current* condition constitutes a worsening of her physical condition or that a temporary disability has developed into a permanent disability condition. Both allegations, if proved, are ways to warrant a review-reopening. *Kohlhaas*, 777 N.W.2d at 392.

Summary judgment is only proper when the movant establishes there is no genuine issue of material fact and they are entitled to judgment as a matter of law. Iowa R. Civ. P. 1.981(3); *Goodpaster v. Schwan's Home Serv., Inc.*, 849 N.W.2d 1, 6 (Iowa 2014). We review the record in the light most favorable to the nonmoving party. *Goodpaster*, 849 N.W.2d at 6. And we are mindful that "[o]ur policy is to liberally construe workers' compensation statutes in favor of the worker." *Beier Glass*, 329 N.W.2d at 283.

"To justify an increase in compensation benefits, '[t]he claimant carries the burden of establishing by a preponderance of the evidence that, subsequent to the

date of the award under review, he or she has suffered an impairment or lessening of earning capacity proximately caused by the original injury.” *Simonson v. Snap-On Tools Corp.*, 588 N.W.2d 430, 434 (Iowa 1999) (emphasis and citation omitted). Green has asserted her change in condition is proximately caused by her work-related injury and submitted medical records in support of her claim. At this point in the proceedings and viewing the evidence in the light most favorable to Green, we agree with the district court that disputed material facts preclude summary judgment in the employer’s favor.

While the agency may ultimately determine Green did not prove she was entitled to benefits, the evidence presented is sufficient to establish a factual issue concerning her claim, and Green is entitled to present her evidence and have the agency make a determination based upon that evidence. We thus affirm the ruling of the district court finding the agency erred in granting the employer’s motion for summary judgment and dismissing Green’s review-reopening petition, and we remand the matter back to the agency for further proceedings.

**AFFIRMED AND REMANDED.**



IOWA APPELLATE COURTS

State of Iowa Courts

**Case Number**  
21-0490

**Case Title**  
Green v. North Central Iowa Regional Solid Waste

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## BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

ALEVIA GREEN,

Claimant,

vs.

NORTH CENTRAL IOWA  
REGIONAL SOLID WASTE  
AGENCY,

Employer,

and

IMWCA,

Insurance Carrier,  
Defendants.

File No. 5042527

A P P E A L

D E C I S I O N

Defendants North Central Iowa Regional Solid Waste Agency, employer, and its insurer, IMWCA, filed a motion for summary judgment and supporting documentation in this matter on September 10, 2018. Claimant Alevia Green filed a resistance to the motion for summary judgment on October 2, 2018. On October 11, 2018, the deputy workers' compensation commissioner filed a ruling sustaining defendants' motion for summary judgment. Claimant appeals from that ruling and defendants respond to the appeal.

A brief review of the procedural background of this case is necessary. On October 6, 2014, this case proceeded to hearing in arbitration. At the October 6, 2014, hearing, the parties stipulated claimant sustained a work-related injury resulting in temporary disability, though they disputed whether claimant's injury caused any permanent disability or additional periods of temporary disability.

In an arbitration decision issued on December 19, 2014, a deputy workers' compensation commissioner determined claimant did not meet her burden of establishing that her work injury caused any permanent impairment or loss of earning capacity. Specifically, the deputy commissioner found "claimant suffered mild (at most) brain injury and some relatively minor physical injury, all of which *resolved* without any permanency." (Arbitration Decision, page 4) (emphasis added) The deputy commissioner also determined claimant was not entitled to additional temporary benefits or medical benefits beyond those already paid by defendants. The deputy commissioner noted the period of temporary benefits sought by claimant was "long after

**EX. B**



the claimant's temporary disability was *resolved*" and that defendants had "reimbursed the claimant for all reasonable medical expenses incurred in the treatment of the injury." (Arb. Dec. pp. 5-6) (emphasis added) Claimant appealed.

On April 11, 2016, the commissioner issued an appeal decision affirming the arbitration decision in its entirety with some additional analysis. The commissioner specifically affirmed the deputy commissioner's finding that claimant failed to carry her burden of proof that her work injury caused permanent disability. The commissioner also specifically affirmed the deputy commissioner's finding that defendants were not responsible for any additional medical care or treatment beyond what had already been paid. (Appeal Decision, p. 20) Based on the fact that neither claimant's own independent medical examiner nor any of her authorized treating medical providers were recommending additional treatment for her work injury, the commissioner added that "defendants are not responsible for any ongoing or future medical care or treatment." Lastly, because the deputy commissioner's finding that claimant was not entitled to additional temporary benefits was not appealed, it was not addressed by the commissioner. Claimant then filed a petition for judicial review.

On May 1, 2017, the District Court issued its ruling. The court affirmed the commissioner's decision but for his findings regarding claimant's claims for reimbursement of past medical expenses. That portion of the decision was reversed and remanded.

In a remand decision dated March 8, 2018, the commissioner found defendants liable for past medical charges incurred with Trinity Regional Medical Center for the date of service of April 30, 2012; with The Iowa Clinic, UnityPoint Clinic, and Iowa Methodist Medical Center for dates of service from April 30, 2012 through May 2, 2012; and for UnityPoint Clinic billings for the date of service of May 17, 2012. The commissioner determined defendants were liable for no other charges.

Defendants asserted they are entitled to summary judgment on claimant's review-reopening petition because claimant "suffered no disability that could be reviewed in a review-reopening proceeding." In her resistance to the motion for summary judgment, claimant asserts she has seen a number of healthcare providers since the original hearing on October 6, 2014, and this new treatment raises a factual issue regarding whether her condition has worsened or developed into a permanent disability.

In essence, claimant asserts there is a factual dispute regarding whether she sustained a worsening in condition, and defendants assert the existence or non-existence of a worsening in condition is irrelevant because claimant is precluded, as a matter of law, from seeking review-reopening given the findings in claimant's underlying petition in arbitration.

Rule 876 IAC 4.35 makes Iowa Rules of Civil Procedure 1.981 through 1.983 applicable to motions for summary judgment before this agency.



Summary judgment should be rendered when the record before the court shows that no genuine issue exists as to any material fact and that the moving party is entitled to judgment as a matter of law. Iowa R. Civ. P. 1.981(3); Suss v. Schammel, 375 N.W.2d 252, 254 (Iowa 1985); Brown v. Monticello State Bank, 360 N.W.2d 81, 83-84 (Iowa 1984).

The burden of showing there is no genuine issue of material fact is upon the party moving for summary judgment. Sparks v. Metalcraft, Inc., 408 N.W.2d 347, 350 (Iowa 1987); Northrup v. Farmland Industries, Inc., 372 N.W. 2d 193, 195 (Iowa 1985); Matherly v. Hanson, 359 N.W.2d 450, 453 (Iowa 1984). If the motion for summary judgment is properly supported, the resisting party "may not rest upon the mere allegations . . . in the pleadings, but the response, by affidavits or as otherwise provided in this rule, must set forth specific facts showing that there is a genuine issue for trial." Iowa R. Civ. P. 1.981(5). Similarly, the resisting party may not rely solely on legal conclusions to show there is a genuine issue of material fact justifying denial of summary judgment. Byker v. Rice, 360 N.W.2d 572, 575 (Iowa App. 1984).

When confronted with a motion for summary judgment, the agency is required to examine, in light most favorable to the party opposing the motion, the entire record before it, including the pleadings, admissions, depositions, answers to interrogatories, and affidavits, if any, to determine whether any genuine issue of material fact is generated thereby. Sparks, 408 N.W.2d at 350; Drainage District No. 119, Clay County v. Incorporated City of Spencer, 268 N.W.2d 493, 499-500 (Iowa 1978). "Even if the facts are undisputed, summary judgment is not appropriate if reasonable minds may draw different inferences from them." Tasco, Inc. v. Winkel, 281 N.W.2d 280, 282 (Iowa 1979).

If, upon examination of the entire record, the undersigned determines no factual dispute is present and the movant is entitled to judgment as a matter of law, entry of summary judgment is proper. Sparks, 408 N.W.2d at 350.

In this case, claimant does not allege a factual dispute regarding defendants' assertion that she is precluded from initiating a review-reopening proceeding given this agency's findings in her underlying claim. She does not dispute, for example, defendants' characterization of the procedural history and disposition of her underlying claim. In fact, she acknowledges the commissioner found she failed to prove her entitlement to additional temporary benefits and that she failed to satisfy her burden to prove she sustained a permanent disability. (See Claimant's Statement of Material Facts in Resistance to Defendants' Motion for Summary Judgment, paras. 6-7). Instead, claimant leapfrogs this issue and alleges a factual dispute regarding whether her condition has worsened since her original hearing in October of 2014.

The issue at hand is not whether claimant's recent treatment is causally related to her work injury or whether she has sustained a worsening in condition; the issue is whether claimant is entitled to make a claim for review-reopening. In other words, the factual dispute identified by claimant is not material to the determination of whether



claimant is precluded from bringing a review-reopening claim. I therefore affirm the finding of the deputy commissioner that there are no genuine issues of material fact.

Having found no genuine issues of material fact, the next issue to be decided is whether defendants are entitled to judgment as a matter of law.

Iowa Code section 86.14, subsection 2, addresses review-reopening proceedings. It provides:

In a proceeding to reopen an award for payments or agreement for settlement as provided by section 86.13, inquiry shall be into whether or not the condition of the employee warrants an end to, diminishment of, or increase of compensation so awarded or agreed upon.

Iowa Code section 86.14(2).

Claimant asserts she has sustained a change in condition warranting an increase of compensation; specifically, she asserts a worsening of her physical condition and/or that her temporary disability developed into a permanent disability. While these are recognized avenues for proving a change in condition, they cannot be utilized when, as in this case, the issues of claimant's entitlement to future medical benefits and temporary and permanent disability were previously ripe for determination and were decided adversely to claimant.

At the outset, before inquiry can be made into whether claimant sustained a change in condition, there must first be an award of compensation. See Iowa Code section 86.14(2). Without an award of compensation, there is nothing to end, diminish, or increase. See id. In this case, it was determined that claimant sustained a temporary injury that had resolved by the time of the underlying hearing. Because claimant's injury resolved, the commissioner found claimant sustained no permanent disability and was not entitled to temporary disability benefits beyond those already paid. Given that claimant's condition resolved and there were no recommendations for future care, the commissioner also determined defendants were not responsible for future medical care. Based on these determinations, claimant was awarded no compensation that could be ended, diminished, or increased upon review-reopening. Because claimant failed to satisfy the prerequisite to the inquiry of whether she sustained a change in condition, I affirm the deputy commissioner's finding that claimant is precluded from bringing a review-reopening claim.

This outcome is consistent with the Supreme Court's holding in Kohlhaas v. Hog Slat, Inc., 777 N.W.2d 387 (2009), which discussed review-reopening proceedings in great detail. In that decision, the court emphasized that "the principles of res judicata still apply" in review-reopening claims. Id. at 393. The court instructed the agency to avoid reevaluating a claimant's impairment "if all of the facts and circumstances were known or knowable at the time of the original action." Id. "Likewise," the court stated, "section 86.14(2) does not provide an opportunity to relitigate causation issues that were determined in the initial award or settlement agreement."



In this case, it was determined by the commissioner that claimant's injuries had resolved. As a result, the commissioner found claimant failed to prove her work injury caused any temporary disability beyond that already paid by defendants or any permanent disability or loss of earning capacity. (App. Dec., pp. 17, 19) The commissioner also determined claimant failed to prove the causal relationship between her work injury and future medical care given that her injuries had resolved and her treating physicians and independent medical examination doctor were not recommending additional care. Claimant now seeks to relitigate these same causation issues via a review-reopening proceeding—the exact scenario the holding in Kohlhass precludes.

In Winn v. Pella Corporation, File No. 5027519, the claimant filed a review-reopening petition after a deputy commissioner, in an underlying arbitration decision, ordered the defendant to pay claimant's medical expenses. The defendant in Winn contended that claimant was precluded from proceeding under review-reopening because there was no compensation awarded in the underlying arbitration decision. In the review-reopening decision, the deputy commissioner held as follows:

At the time of the [arbitration] hearing, claimant was still working at Pella. Claimant had not lost any time at Pella due to her left shoulder injury. At the time of the January 12, 2010 hearing, claimant was only seeking to have Pella pay for her medical care. Claimant had not lost any time off of work due to her left shoulder injury and had no claim for temporary benefits. Claimant had not yet reached maximum medical improvement, as she was still seeking to have Pella pay for her right shoulder treatment. *For that reason, she had no claim for permanent partial disability benefits at that time. The only justiciable issue at the time of the January 12, 2010 hearing was whether claimant's injury of August 11, 2008 arose out of and in the course of employment, and if claimant's injury was causally connected to the claimed medical expenses.*

Given the facts of this case, claimant should not be precluded from now seeking permanent partial disability benefits merely because she did not have a justiciable claim for temporary benefits or permanent partial disability benefits at the time of the January 12, 2010 hearing.

Winn, File No. 5027519 (Review-Reopening Decision March 26, 2015). The deputy commissioner's decision was affirmed on appeal, and defendants' subsequent application for rehearing on this ground was denied.

The distinguishing factor between this case and Winn is that claimant in this case had justiciable claims at the time of her underlying hearing in October of 2014, and those claims were decided adversely to claimant. Unlike the claimant in Winn, claimant in this case has already had an opportunity to litigate the entirety of her case.

Claimant is correct that the Iowa Supreme Court has held awards may be adjusted pursuant to Iowa Code section 86.14(2) "when a temporary disability later



develops into a permanent disability.” See Kohlhaas, 777 N.W.2d at 392 (citing Rose v. John Deere Ottumwa Works, 247 Iowa 900, 76 N.W.2d 756 (Iowa 1956)). However, in Rose v. John Deere Ottumwa Works, when the Court initially recognized this method of demonstrating a change of condition, the issue of whether claimant sustained a permanent disability had not yet been adjudicated or agreed upon; instead, the payments claimant received prior to filing his petition for review-reopening “were made for, and on the assumption there was only, temporary disability.” See Rose, 76 N.W.2d at 758. Thus, the court’s determination that an “additional award” can be made when a temporary disability later develops into a permanent disability was in the context of a claim in which claimant was “in the early stages of his injury” when permanency could not yet be decided. See id. at 759-60.

Again, this case is distinguishable from Rose because claimant’s claim for permanency has already been litigated and decided.

The court in Kohlhaas recognized review-reopening proceedings are intended to address “future developments,” meaning changes that occur after the initial award or settlement, such as a claimant reaching MMI after an initial award of running healing period benefits, or a claimant sustaining a compensable diminution of earning capacity after an initial award of industrial disability. See Kohlhaas, 777 N.W.2d at 392. However, given the court’s holding that review-reopening proceedings are not to be used as a tool to relitigate causation issues that were decided in the initial award, the court’s reference to “future developments” was not an invitation to claimant to take a “second bite at the apple” regarding issues that have already been litigated and decided.

For the forgoing reasons, I affirm the deputy commissioner’s finding that claimant in this case cannot be allowed to resurrect her claims by simply seeking additional treatment after the initial award when it was already determined in the initial award that her condition resolved without any permanent disability, she sustained no temporary disability beyond what was already paid, and she is not entitled to future medical benefits. I therefore affirm the deputy commissioner’s finding that defendants in this case are entitled to judgment as a matter of law.

Having concluded there is no genuine issue of material fact and that defendants are entitled to judgment as a matter of law, I affirm the deputy commissioner’s finding that defendants’ motion for summary judgment must be granted.

#### ORDER

IT IS THEREFORE ORDERED that the ruling on defendants’ motion for summary judgment filed in this matter on October 11, 2018, is affirmed in its entirety.

Defendants’ motion for summary judgment is granted.

Signed and filed on this 16<sup>th</sup> day of January, 2020.

*Joseph S. Cortese II*

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JOSEPH S. CORTESE II  
WORKERS' COMPENSATION  
COMMISSIONER

The parties have been served as follows:

Jerry L. Schnurr, III      Via WCES

Ryan M. Clark              Via WCES

## IN THE IOWA DISTRICT COURT FOR WEBSTER COUNTY

ALEVIA GREEN,

Petitioner,

v.

NORTH CENTRAL IOWA REGIONAL  
SOLID WASTE AGENCY,

Employer,

IMWCA,

Insurance Carrier,  
Respondents.

Case No. CVCV321086

**ORDER ON PETITION FOR JUDICIAL  
REVIEW**

Now before the Court is a petition for judicial review. This matter came before the Court for oral argument on January 20, 2021. Attorney Jerry L. Schnurr III appeared for Petitioner Alevia Green (“Green”), and attorney Ryan M. Clark appeared for Respondents North Central Iowa Regional Solid Waste Agency (“NCIRSWA”) and IMWCA (collectively “Respondents”). Having considered the arguments of counsel, the parties’ filings, and the applicable law, the Court enters the following Order.

**I. BACKGROUND FACTS & PROCEEDINGS**

The Court recites the following procedural history, excepted from the appealed-from decision before the Iowa Workers’ Compensation Commission:

On October 6, 2014, this case proceeded to hearing in arbitration. At the October 6, 2014, hearing, the parties stipulated [Green] sustained a work-related injury resulting in temporary disability, though they disputed whether [her] injury caused any permanent disability or additional periods of temporary disability.

In an arbitration decision issued on December 19, 2014, a deputy workers’ compensation commissioner determined [Green] did not meet her burden of establishing that her work injury caused any permanent impairment or loss of earning capacity. [. . .] The deputy commissioner also determined [Green] was not

entitled to additional temporary benefits or medical benefits beyond those already paid by [Respondents]. [. . . Green] appealed.

On April 11, 2016, the commissioner issued an appeal decision affirming the arbitration decision in its entirety with some additional analysis. The commissioner specifically affirmed the deputy commissioner's finding that [Green] failed to carry her burden of proof that her work injury caused permanent disability. The commissioner also specifically affirmed the deputy commissioner's finding that [Respondents] were not responsible for any additional medical care or treatment beyond what had already been paid. (Appeal Decision, p. 20) [. . . Green] then filed a petition for judicial review.

On May 1, 2017, the District Court issued its ruling. The court affirmed the commissioner's decision but for his findings regarding [Green]'s claims for reimbursement of past medical expenses. That portion of the decision was reversed and remanded.

In a remand decision dated March 8, 2018, the commissioner found [Respondents] liable for past medical charges [. . .] The commissioner determined [Respondents] were liable for no other charges.

[Respondents] asserted they are entitled to summary judgment on [Green]'s review-reopening petition because [Green] "suffered no disability that could be reviewed in a review reopening proceeding." In her resistance to the motion for summary judgment, [Green] assert[ed] she has seen a number of healthcare providers since the original hearing on October 6, 2014, and this new treatment raises a factual issue regarding whether her condition has worsened or developed into a permanent disability.

In essence, [Green] assert[ed] there is a factual dispute regarding whether she sustained a worsening in condition, and [Respondents] assert the existence or non-existence of a worsening in condition is irrelevant because [Green] is precluded, as a matter of law, from seeking review-reopening given the findings in [Green]'s underlying petition in arbitration.

(Appeal Decision, Jan. 16, 2020).

Green filed the aforementioned Review Reopening Petition with the Iowa Workers' Compensation Commissioner on June 4, 2018. Green's Review-Reopening Petition alleged a dispute regarding the "extent" of her disability from the April 30, 2012 injury.

In response to the Review-Reopening Petition, Respondents filed a Motion for Summary Judgment on September 13, 2018, asserting they were entitled to judgment as a matter of law



because res judicata principles prevented the Commission from reevaluating the issue of Green's impairment.

On October 11, 2018, Deputy Workers' Compensation Commissioner filed her Ruling, granting Respondents' Motion for Summary Judgment. She agreed with Respondents that Green was precluded from seeking review-reopening due to res judicata principles.

Green appealed the Ruling of the Deputy Commissioner. On January 16, 2020, the Iowa Workers' Compensation Commissioner affirmed the Deputy's Ruling. Green then filed the instant Petition for Judicial Review on February 12, 2020, asking this Court to reverse the Commissioner's Review-Reopening Appeal Decision and to remand the matter to the Commission. Other necessary facts will be adduced below.

## II. STANDARD OF REVIEW

The Iowa Administrative Procedure Act, Iowa Code chapter 17A, governs the scope of the court's review in workers' compensation cases. Iowa Code § 86.26 (2009); *Meyer v. IBP, Inc.*, 710 N.W.2d 213, 218 (Iowa 2006). "Under the Act, we may only interfere with the commissioner's decision if it is erroneous under one of the grounds enumerated in the statute, and a party's substantial rights have been prejudiced." *Meyer*, 710 N.W.2d at 218. A party challenging agency action bears the burden of demonstrating the action's invalidity and resulting prejudice. Iowa Code § 17A.19(8)(a). This can be shown in a number of ways, including proof the action was ultra vires; legally erroneous; unsupported by substantial evidence in the record when that record is viewed as a whole; or otherwise unreasonable, arbitrary, capricious, or an abuse of discretion. *See id.* § 17A.19(10). The district court acts in an appellate capacity to correct errors of law on the part of the agency. *Grundmeyer v. Weyerhaeuser Co.*, 649 N.W.2d 744, 748 (Iowa 2002).

“If the claim of error lies with the agency’s findings of fact, the proper question on review is whether substantial evidence supports those findings of fact” when the record is viewed as a whole. *Meyer*, 710 N.W.2d at 219. Factual findings regarding the award of workers’ compensation benefits are within the commissioner’s discretion, so the court is bound by the commissioner’s findings of fact if they are supported by substantial evidence. *Mycogen Seeds v. Sands*, 686 N.W.2d 457, 464–65 (Iowa 2004). Substantial evidence is defined as evidence of the quality and quantity “that would be deemed sufficient by a neutral, detached, and reasonable person, to establish the fact at issue when the consequences resulting from the establishment of that fact are understood to be serious and of great importance.” Iowa Code § 17A.19(10)(f)(1); *Mycogen*, 686 N.W.2d at 464. The commissioner’s decision must be sufficiently detailed to show the path he has taken through the conflicting evidence. *Catalfo v. Firestone Tire & Rubber Co.*, 213 N.W.2d 506, 510 (Iowa 1973).

If the claim of error lies with the agency’s application of law to the facts, the agency may be overturned for reasons such as an erroneous interpretation of law; irrational reasoning; failure to consider relevant facts; or irrational, illogical, or wholly unjustifiable application of law to the facts. Iowa Code § 17A.19(10)(c),(i),(j),(m). “We allocate some degree of discretion in our review of this question, but not the breadth of discretion given to the findings of fact.” *Meyer v. IBP, Inc.*, 710 N.W.2d 213, 219 (Iowa 2006). “These different approaches to our review of mixed questions of law and fact make it essential for counsel to search for and pinpoint the precise claim of error on appeal.” *Id.* That is, “[i]f the claim of error lies with the agency’s findings of *fact*,” the court applies the substantial evidence standard, but if the claimed error is based on the agency’s interpretation of law, the question on review is whether the agency’s interpretation was erroneous.

*Id.* If the claim lies with the ultimate conclusion reached, then the challenge is to the agency's application of the law to the facts. *Id.*

Therefore, the Court will review the Commissioner's decision by the aforementioned standards.

### DISCUSSION

Green makes one argument in her brief on judicial review: "the Commissioner's Decision granting [Respondents'] Motion for Summary Judgment should be reversed because it is based on an error of law in finding that Alevia Green is not entitled to seek review-reopening based upon an arbitration decision that found she was entitled to medical and temporary disability benefits after her condition got worse and developed into permanent disability." Respondents counter with two arguments: (1) "the [Commission] correctly concluded there was no genuine issue of material fact which would preclude summary judgment in favor of [Respondents] and (2) "the [Commission] correctly concluded that [Green] is precluded from review-reopening because she failed to prove any disability caused by her work injury, aside from the temporary disability for which she was already compensated, despite having the opportunity to fully litigate her case." Green then responded with the following argument, "the original decision of the Commissioner found that Alevia Green's work injury to her head, neck and back entitled her to medical benefits under Iowa Code Chapter 85. Ms. Green's work condition has deteriorated from a temporary condition to a permanent condition and is not barred by res judicata." The Court will first address the question of whether summary judgment may be rendered in this matter (specifically whether material facts exist). Then the Court will address whether summary judgment should be rendered in this matter (specifically whether Respondents are entitled to judgment as a matter of law).

**a. Whether the Commissioner erred in finding no issues of material fact exist which would preclude summary judgment.**

The Court applies broadly applicable principles of summary judgment law to the present controversy.

The rules of civil procedure shall govern the contested case proceedings before the workers' compensation commissioner unless the provisions are in conflict with these rules and Iowa Code chapters 85, 85A, 85B, 86, 87 and 17A, or obviously inapplicable to the workers' compensation commissioner. In those circumstances, these rules or the appropriate Iowa Code section shall govern. Where appropriate, reference to the word “court” shall be deemed reference to the “workers' compensation commissioner” and reference to the word “trial” shall be deemed reference to “contested case hearing.”

Iowa Admin. Code r. 876-4.35(86).

In order to obtain summary judgment two fundamental prerequisites must be established. First, the moving party must show that there is no genuine issue as to any material fact concerning the matters addressed in its motion for summary judgment. Second, the moving party must establish that it is entitled to judgment as a matter of law. Iowa R. of Civ. P. 1.981(3); *Red Giant Oil Co. v. Lawlor*, 528 N.W.2d 524, 528 (Iowa 1995); *Vaughn v. City of Cedar Rapids*, 527 N.W.2d 411, 412 (Iowa Ct. App. 1994); *Drainage Dist. No. 119, Clay County v. Incorporated City of Spencer*, 268 N.W.2d 493, 499 (Iowa 1978).

As to the issue of material facts, the Commissioner in his Appeal Decision made the following conclusions:

In this case, [Green] does not allege a factual dispute regarding [Respondents'] assertion that she is precluded from initiating a review-reopening proceeding given this agency's findings in her underlying claim. She does not dispute, for example, [Respondents'] characterization of the procedural history and disposition of her underlying claim. In fact, she acknowledges the commissioner found she failed to prove her entitlement to additional temporary benefits and that she failed to satisfy her burden to prove she sustained a permanent disability. [...] Instead, [Green] leapfrogs this issue and alleges a factual dispute regarding whether her condition has worsened since her original hearing in October of 2014.

The issue at hand is not whether [Green]’s recent treatment is causally related to her work injury or whether she has sustained a worsening in condition; the issue is whether [Green] is entitled to make a claim for review-reopening. In other words, the factual dispute identified by [Green] is not material to the determination of whether [Green] is precluded from bringing a review-reopening claim. I therefore affirm the finding of the deputy commissioner that there are no genuine issues of material fact.

(Review-Reopening App. Dec., pp. 2-3)

The question before the Court is largely a procedural one. Green’s case rises or falls on preceding events. The question of whether a review-reopening is permitted at this juncture is determined by how matters were resolved previously. To that extent, the parties are in agreement. In this regard, the Commissioner is correct. No factual issues exist as to the procedural history or disposition of Green’s underlying claim. As a result, the Commissioner is affirmed as to the question of genuine issues of material fact; there are none. The Court now turns to the thornier question.

**b. Whether the Commissioner erred in concluding the Respondents were entitled to judgment as matter of law and in granting their Motion for Summary Judgment.**

The legal question at issue is whether, given Ms. Green’s procedural history, she is entitled to a review-reopening. When inquiry is to be made into “whether or not the condition of the employee warrants an end to, diminishment of, or increase of compensation so awarded or agreed upon,” a review-reopening proceeding may be commenced. Iowa Code § 86.14. A review-reopening may be brought by either party where benefits have not been commuted, where an award of benefits has been made through adjudication or where an agreement for settlement has been entered. *Huffman v. Keokuk Area Hosp.*, IAWC 319 (appeal dec. 1988) (claimant required to show loss of earnings beyond that contemplated an agreement for settlement); *Spence v. Griffin Wheel Co.*, 89–90 IAWC 477, 481 (rehearing dec. 1989) (“[a] settlement under § 86.13 contemplates all

effects of the injury known at the time of the settlement, regardless of whether those effects are specifically enumerated in the settlement document itself or not”); *Hensley v. Swift*, I-4 Iowa Indus. Comm'r Dec. 881 (1985) (date after which change of condition had to be shown was the date settlement agreed upon); *Sanford v. Allied Maintenance Corp.*, 4 Iowa Indus. Comm'r Rep. 297 (1984). See *Brown v. John Deere Waterloo Tractor Works*, 4 Iowa Indus. Comm'r Rep. 42 (1984); *Rankin v. National Carbide Co.*, 254 Iowa 611, 118 N.W.2d 570 (1962). The principles of res judicata apply to review-reopenings. *Kohlhaas v. Hog Slat, Inc.*, 777 N.W.2d 387 (Iowa 2009).

A change in condition is necessary for a review-reopening to be brought. The change can be a deterioration of the physical condition resulting in increased loss of function or restrictions. The change can also be a change in the economic circumstance related to the injury. The change does not need to be unanticipated at the time of the previous award or settlement. Prior to *Kohlhaas v. Hog Slat Inc.*, it appeared that the change must not have been anticipated at the time of the settlement or award. § 20:1. Generally, 15 Ia. Prac., Workers' Compensation § 20:1

The Commissioner affirmed the Deputy Commissioner's logic in the following respect:

At the outset, before inquiry can be made into whether [Green] sustained a change in condition, there must first be an award of compensation. See Iowa Code section 86.14(2). Without an award of compensation, there is nothing to end, diminish, or increase. See *id.* In this case, it was determined that [Green] sustained a temporary injury that had resolved by the time of the underlying hearing. Because [Green]'s injury resolved, the commissioner found [Green] sustained no permanent disability and was not entitled to temporary disability benefits beyond those already paid. Given that [Green]'s condition resolved and there were no recommendations for future care, the commissioner also determined [Respondents] were not responsible for future medical care. Based on these determinations, [Green] was awarded no compensation that could be ended, diminished, or increased upon review reopening.

(Review-Reopening App. Dec., p. 4). The Court finds this conclusion illogical. The Commissioner concludes that if no compensation was awarded previously it cannot *inter alia* be “increased” upon review reopening. This is plainly illogical. An award of “zero” may obviously be increased. “No

award” may be philosophically distinguishable from “zero.” However, the Iowa Supreme Court treats such terms as interchangeable. *See Thornton v. Am. Interstate Ins. Co.*, 940 N.W.2d 1, 18 (Iowa 2020) (“Where no damages may be awarded as a matter of law, [...] the only permissible award on these theories is zero.”) Accordingly, the Commissioner’s conclusion that Green’s lack of award renders it incapable of being increased is illogical. The conclusion that Green is precluded from bringing a review-reopening claim is erroneous.

The Court now turns to the question of res judicata. “[T]he legal principles announced and the views expressed by a reviewing court in an opinion, right or wrong, are binding throughout further progress of the case upon the litigants, the trial court and this court in later appeals.” *State v. Grosvenor*, 402 N.W.2d 402, 405 (Iowa 1987).

The Commissioner’s logic as to the res judicata arguments is somewhat circular. Essentially, Green had no compensable injury because she failed to show causation. And Green cannot prove causation because she had no compensable injury. The Commissioner’s Decision suffers from the same infirmity as previous issue. The Commissioner presumes that if no compensable injuries were proven at the arbitration hearing, they can never be proven to have changed in condition. But the review-reopening presupposes a potential “change in condition” (including from temporary to permanent). Such a change in condition may still be causally related to a work injury. On this matter, the parties have a difference of opinion as to the medical evidence produced on the present claim (whether a temporary injury has morphed into a permanent one). Such a difference of opinion as to a matter so consequential is a genuine issue of material fact. Because such a fact issue exists, the Respondents’ are not entitled to summary judgment. Green’s review-reopening claim is not barred by res judicata. The Commissioner’s conclusion to the contrary was erroneous.

It is therefore ordered that the Iowa Workers' Compensation Commissioner's decision is **AFFIRMED** in part and **REVERSED** in part. This case is **REMANDED** to the Workers' Compensation Commission for proceedings consistent with this Order.

**IT IS SO ORDERED.**





State of Iowa Courts

**Case Number**  
CVCV321086

**Case Title**  
ALEVIA GREEN VS NORTH CENTRAL IOWA REGIONAL  
SOLID WASTE  
OTHER ORDER

**Type:**

So Ordered

Kurt L. Wilke, Chief District Court Judge,  
Second Judicial District of Iowa

Electronically signed on 2021-03-03 13:27:20

**Iowa District Court for Webster County**


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<b>Alevia Green,</b>	:	
<b>Plaintiff,</b>	:	
<b>Vs.</b>	:	<b>CVCV321086</b>
<b>Northwest Iowa Regional</b>	:	
<b>Solid Waste Agency,</b>	:	<b>Order</b>
<b>Employer,</b>	:	
<b>IMWCA,</b>	:	
<b>Insurance Carrier,</b>	:	
<b>Defendants.</b>	:	

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A recap of the timeline concerning this case is as follows:

4/30/12 Plaintiff sustained a work related injury.

10/6/14 An arbitration hearing was held and the parties stipulated that plaintiff suffered a work related injury resulting in temporary disability. The fighting issue was whether plaintiff suffered permanent impairment.

12/19/14 Deputy Commissioner ruled no finding that work injury caused permanent impairment or loss of earning capacity.

4/11/16 Commissioner affirmed deputies' finding.

6/14/18 Plaintiff filed Review Reopening Petition alleging that work related injuries had morphed into permanent impairment with loss of earning capacity.

10/11/18 Deputy Commissioner sustained plaintiff's motion for summary judgment arguing that since there was no finding of permanency at the initial hearing the issue was res judicata and precluded a review reopening of that issue.

1/16/20 The Commissioner affirmed the deputies ruling.

1/20/21 The case was submitted for judicial review.

3/3/21 This court found that the Commissioner's conclusion that plaintiff's 2014 lack of permanency award renders it incapable of being increased is illogical and the conclusion that plaintiff is precluded from bringing a review-reopening claim is erroneous.

12/3/21 Defendants filed a Rule 1.904(2) Motion For Clarification Enlargement and Modification.

After reviewing the defendants' motion and the plaintiff's response this court is neither persuaded that a clarification, enlargement, or modification is in order. The plaintiff alleges that her review reopening claim is supported by a number of health care professionals. To deny the plaintiff a review reopening based not on causation, but solely on how the extent of the injuries appeared years ago would be to deny any possibility that the injuries could increase in disability. That is illogical and summary judgement based on res judicata is erroneous.

**It Is Ordered** that the defendants' motion for clarification, enlargement, and modification is denied.

Copies to:

Counsel of Record



State of Iowa Courts

**Case Number**  
CVCV321086

**Case Title**  
ALEVIA GREEN VS NORTH CENTRAL IOWA REGIONAL  
SOLID WASTE  
OTHER ORDER

**Type:**

So Ordered

Kurt L. Wilke, Chief District Court Judge,  
Second Judicial District of Iowa

Electronically signed on 2021-03-29 09:16:51