

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

IN THE MATTER OF
DELEGATION OF AUTHORITY

:
:
:
:
:
:
:

ORDER

FILED

JUL 21 2023

WORKERS' COMPENSATION

The legislative intent of Iowa Code section 85.27 is that applications for alternate care be decided by the agency in a timely manner. Delegating authority to the presiding deputy workers' compensation commissioner to act as the workers' compensation commissioner in presiding at the contested case hearing and issuing final agency action is consistent with the legislative intent.

The deputy workers' compensation commissioner presiding at the contested case in an application for alternate medical care, pursuant to rule 876 IAC 4.48 is hereby delegated the authority to issue the final agency decision on the application, Iowa Code section 10A.305. There is no right of intra-agency appeal on this decision. Continental Telephone Co. v. Colton, 348 N.W.2d 623 (Iowa 1984) and LeaseAmerica Corp. v. Iowa Dept. of Revenue, 333 N.W.2d 847 (Iowa 1983).

The presiding deputy workers' compensation commissioner's decision in an application for alternate care is the final agency action. Iowa Code section 17A.15(1).

This authority shall continue until further ordered.

Signed and filed this 21st day of July, 2023.

Joseph S. Cortese II

JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER