

SUPREME COURT OF IOWA

Kelly Brewer-Strong v. HNI Corporation

913 N.W.2d 235 (Iowa 2018) · No. No. 16-1364 · Decided June 8, 2018

SUMMARY

The Iowa Supreme Court affirmed the denial of healing period benefits to Kelly Brewer-Strong following unauthorized bilateral carpal tunnel surgeries. The court held that HNI Corporation regained and retained its right to control medical care after amending its answer to admit liability, despite initially denying the work-related injury. Because Brewer-Strong did not establish that the unauthorized treatment produced a more favorable outcome, HNI could assert an authorization defense.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Zager, Justice
JURISDICTION	Iowa
DECIDED	June 8, 2018
DOCKET	No. 16-1364
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a district court judgment affirming the Iowa Workers' Compensation Commissioner's denial of healing period benefits for recovery from unauthorized surgeries.
STANDARD OF REVIEW	Judicial review under Iowa Code chapter 17A. The court reviews an agency's statutory interpretation for correction of errors at law when the legislature has not clearly vested the agency with interpretive authority; it reviews the agency's application of law to facts for whether it was irrational, illogical, or wholly unjustifiable.
PRECEDENTIAL VALUE	published precedential Iowa Supreme Court opinion
PARTIES	Kelly Brewer-Strong v. HNI Corporation

TOPICS

- workers compensation
- administrative law
- judicial review of agency action
- statutory interpretation

PRACTICE AREAS

workers compensation

administrative law

statutory interpretation

judicial review of agency action

QUESTIONS PRESENTED

1. Whether an employer that initially denies liability for a work-related injury may later admit liability and regain the statutory right to control the employee's medical care.
2. Whether the law-of-the-case doctrine barred HNI from asserting an authorization defense after the deputy commissioner dismissed Brewer-Strong's initial alternate-medical-care petition on procedural grounds.
3. Whether the Bell Bros. requirement that unauthorized medical care provide a more favorable medical outcome should be abandoned or modified.
4. Whether the Bell Bros. more-favorable-medical-outcome test applies to a claimant's request for healing period benefits arising from unauthorized medical care.

HOLDINGS

1. An employer does not permanently forfeit its rights under Iowa Code section 85.27 by initially denying liability. When the employer later admits compensability and attempts to furnish reasonable medical care, it acquires and retains the right to control the employee's medical care and may assert an authorization defense unless it later denies the injury is work-related, withdraws authorization, or the commissioner orders alternate care.
2. The law-of-the-case doctrine did not bar HNI from asserting an authorization defense because the initial alternate-care dismissal was procedural, did not decide the merits of any specific medical care, and the material facts changed when HNI later admitted liability and offered authorized care.
3. A claimant seeking payment for unauthorized medical care must prove by a preponderance of the evidence that the care was reasonable and beneficial and provided a more favorable medical outcome than would likely have been achieved through the employer-authorized care.
4. The Bell Bros. more-favorable-medical-outcome test applies to healing period benefits resulting from unauthorized medical care. A claimant who knowingly obtains unauthorized care cannot recover healing period benefits arising from that care unless the claimant satisfies the Bell Bros. burden of proof.

KEY QUOTATIONS

“The employer’s right to control medical care attaches under [Iowa Code section 85.27] when the employer acknowledges compensability following notice and furnishes care to the employee, and it remains with the employer under the statute until the employer denies the injury is work-related, withdraws authorization of the care, or until the commissioner orders alternative care.” (245)

“That is, the claimant must show “upon proof by a preponderance of the evidence that such care was reasonable and beneficial” and that such care “provide[d] a more favorable medical outcome than would likely have been achieved by the care authorized by the employer.”” (251)

FACTUAL BACKGROUND

Brewer-Strong developed bilateral carpal tunnel syndrome from her work for HNI. HNI initially denied liability, but after obtaining a medical opinion connecting the injuries to her work, it admitted liability and authorized treatment by Dr. Adams. Brewer-Strong declined further evaluation by Dr. Adams and underwent bilateral surgeries by Dr. VonGillern, whom HNI had not authorized, after repeated warnings that HNI would assert an authorization defense. She sought healing period benefits for the period she missed work recovering from those surgeries, but the evidence did not establish that the unauthorized treatment produced a more favorable outcome than authorized treatment would have produced.

PROCEDURAL HISTORY

Brewer-Strong sought workers' compensation benefits for bilateral carpal tunnel injuries. The deputy workers' compensation commissioner denied healing period benefits, finding HNI had a valid authorization defense and that Brewer-Strong failed to prove her unauthorized treatment produced a more favorable outcome than authorized care. The commissioner affirmed on intraagency appeal, the Iowa District Court for Muscatine County affirmed on judicial review, and the Iowa Supreme Court retained Brewer-Strong's appeal and affirmed.

DISPOSITION

affirmed

CASES CITED

- R.R. Donnelly & Sons v. Barnett, 670 N.W.2d 190, 196-98 (Iowa 2003)
- Bell Bros. Heating & Air Conditioning v. Gwinn, 779 N.W.2d 193, 202-09 (Iowa 2010)
- Ramirez-Trujillo v. Quality Egg, L.L.C., 878 N.W.2d 759, 770-71 (Iowa 2016)
- State v. Grosvenor, 402 N.W.2d 402, 405 (Iowa 1987)
- Lee v. State, 874 N.W.2d 631, 646 (Iowa 2016)
- In re Lone Tree Community School District, 159 N.W.2d 522, 526 (Iowa 1968)
- Winnebago Industries, Inc. v. Haverly, 727 N.W.2d 567, 573 (Iowa 2006)
- McElroy v. State, 703 N.W.2d 385, 394 (Iowa 2005)
- Kiesau v. Bantz, 686 N.W.2d 164, 180 n.1 (Iowa 2004)
- Alcala v. Marriott International, Inc., 880 N.W.2d 699, 708 & n.3 (Iowa 2016)
- In re Estate of Vajgrt, 801 N.W.2d 570, 574 (Iowa 2011)
- Iowa Department of Transportation v. Soward, 650 N.W.2d 569, 574 (Iowa 2002)
- State v. Iowa District Court, 902 N.W.2d 811, 818 (Iowa 2017)
- Burton v. Hilltop Care Center, 813 N.W.2d 250, 255-56 (Iowa 2012)
- Brakke v. Iowa Department of Natural Resources, 897 N.W.2d 522, 530 (Iowa 2017)
- Westling v. Hormel Foods Corp., 810 N.W.2d 247, 251 (Iowa 2012)
- Xenia Rural Water District v. Vegors, 786 N.W.2d 250, 252 (Iowa 2010)
- Lakeside Casino v. Blue, 743 N.W.2d 169, 173 (Iowa 2007)

- Baker v. Bridgestone/Firestone, 872 N.W.2d 672, 678 (Iowa 2015)
- Des Moines Area Regional Transit Authority v. Young, 867 N.W.2d 839, 842 (Iowa 2015)
- Ewing v. Allied Construction Services, 592 N.W.2d 689, 691 (Iowa 1999)

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