

SUPREME COURT OF IOWA

Jose C. Venegas v. IBP, Inc.

638 N.W.2d 699 (Iowa 2002) · No. No. 00-0151 · Decided January 24, 2002

SUMMARY

The Iowa Supreme Court held that an employer liable for a subsequent work-related injury is generally responsible for the employee's full resulting industrial disability, including preexisting industrial disability caused by an earlier work-related injury. The court rejected apportionment between the claimant's prior California injury and his later injury while employed by IBP, Inc., and affirmed the district court's judgment.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Carter, Justice
JURISDICTION	Iowa
DECIDED	January 24, 2002
DOCKET	No. 00-0151
DISPOSITION	affirmed
PROCEDURAL POSTURE	IBP sought judicial review of an Industrial Commissioner's decision apportioning the claimant's permanent partial disability between a current injury and a prior disability. The district court rejected the apportionment and held IBP responsible for the claimant's full industrial disability. The Supreme Court of Iowa affirmed.
STANDARD OF REVIEW	Under Iowa Code section 17A.19(8), the court determines whether the district court's conclusions on matters of law correspond with those of the Supreme Court of Iowa. Although the court gives limited deference to the Industrial Commissioner's statutory interpretation, interpretation of workers' compensation statutes is a question of law reviewed by the court.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	IBP, Inc. v. Jose C. Venegas

TOPICS

workers compensation

judicial review of agency action

administrative law

statutory interpretation

PRACTICE AREAS

workers compensation

administrative law

statutory interpretation

QUESTIONS PRESENTED

1. Whether the full-responsibility rule for successive work-related injuries applies when the prior and current injuries arose from employment with different employers.
2. Whether Iowa Code section 85.36(9)(c), formerly section 85.36(10)(c), required apportionment of Venegas's disability between his prior California injury and his later injury while working for IBP.

HOLDINGS

1. The employer liable for the later work-related injury is generally liable for the entire disability resulting from the combination of the prior work-related disability and the current injury, regardless of whether the prior and current injuries occurred while working for the same employer.
2. Iowa Code section 85.36(9)(c), formerly section 85.36(10)(c), does not require apportionment where the employee was not drawing compensation under the chapter at the time the second injury occurred.

KEY QUOTATIONS

"When there are two successive work-related injuries, the employer liable for the second injury is generally held liable for the entire disability resulting from the combination of the prior disability and the present injury." (at 701)

FACTUAL BACKGROUND

Venegas suffered a compensable lower-back injury in California in 1991 that resulted in a thirty-five percent permanent partial disability and work restrictions. After beginning work for IBP, he sustained another lower-back injury on June 15, 1996, requiring surgery and ultimately preventing him from performing his assigned work. The deputy industrial commissioner found a fifty-five percent total industrial disability but held IBP responsible only for the twenty-percent increase beyond the prior California disability.

PROCEDURAL HISTORY

After an arbitration hearing, a deputy industrial commissioner found that Venegas had a fifty-five percent permanent partial industrial disability but apportioned responsibility for only the additional twenty percent beyond his previously established thirty-five percent disability. The Industrial Commissioner upheld that determination. On judicial review, the district court held that apportionment was unwarranted and that IBP was responsible for the total industrial disability. The Supreme Court of Iowa affirmed.

DISPOSITION

affirmed

CASES CITED

- Second Injury Fund v. Nelson, 544 N.W.2d 258 (Iowa 1995)
- Celotex Corp. v. Auten, 541 N.W.2d 252 (Iowa 1995)
- Second Injury Fund v. Braden, 459 N.W.2d 467 (Iowa 1990)

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