

SUPREME COURT OF IOWA

Anita Gumm v. Easter Seal Society of Iowa, Inc., American Compensation Ins. Co., and SFM Companies

Gumm · No. No. 18-1051 · Decided May 1, 2020

SUMMARY

The Iowa Supreme Court held that a workers' compensation claimant who received benefits for a traumatic injury could not pursue a separate cumulative-injury claim based solely on aggravation of that earlier injury. The court concluded that the claimant's remedy was review-reopening under Iowa Code section 86.14(2), subject to the applicable three-year limitation period, and that the distinct-and-discrete injury requirement remained controlling. The court vacated the court of appeals decision and affirmed the district court judgment upholding the commissioner's denial of benefits.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Mansfield, Justice
JURISDICTION	Iowa
DECIDED	May 1, 2020
DOCKET	No. 18-1051
DISPOSITION	vacated
PROCEDURAL POSTURE	Further review of a court of appeals decision reversing a district court judgment that upheld the workers' compensation commissioner's denial of a cumulative injury claim.
STANDARD OF REVIEW	The court reviewed the workers' compensation commissioner's legal interpretations of Iowa Code chapter 85 for errors at law and accepted factual findings supported by substantial evidence. The court was bound by the commissioner's factual findings when supported by substantial evidence.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Anita Gumm v. Easter Seal Society of Iowa, Inc., American Compensation Ins. Co., SFM Companies

TOPICS

workers compensation

judicial review of agency action

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PRACTICE AREAS

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statutory interpretation

QUESTIONS PRESENTED

1. Whether a workers' compensation claimant who has received disability benefits for a traumatic injury may pursue a separate cumulative injury claim based solely on aggravation of the earlier injury through subsequent ordinary work activities.
2. Whether substantial evidence supported the commissioner's finding that Gumm suffered only an aggravation and sequelae of her 2008 traumatic injury, rather than a distinct and discrete cumulative injury.
3. Whether the review-reopening remedy and its three-year limitations period barred Gumm from obtaining additional disability benefits through a newly characterized cumulative injury claim.

HOLDINGS

1. Where a claimant has received disability benefits for a prior compensable injury, the claimant is limited to the review-reopening remedy for additional disability benefits unless the claimant proves another injury. A later cumulative injury must be distinct and discrete and cannot consist merely of aggravation of the prior injury through regular work activities.
2. Substantial evidence supported the commissioner's finding that Gumm did not sustain a distinct and discrete cumulative injury; her later conditions were sequelae and aggravation of the original October 28, 2008 injury.

KEY QUOTATIONS

“For the foregoing reasons, we hold the commissioner and the district court correctly ruled that where a claimant has received disability benefits for a prior compensable injury, the claimant is limited to the review-reopening remedy for additional disability benefits unless she can prove she has suffered another injury.” (18)

“If the subsequent injury is a cumulative injury, it must be a distinct and discrete injury, not merely the aggravation of the prior injury due to regular work activities.” (18)

“For the foregoing reasons, we vacate the decision of the court of appeals and affirm the judgment of the district court denying Gumm’s petition for judicial review.” (20)

FACTUAL BACKGROUND

Anita Gumm sustained a right ankle fracture and dislocation in a workplace slip-and-fall on October 28, 2008, received permanent partial disability benefits, and continued working. Her ankle condition later worsened, resulting in additional surgeries, posttraumatic arthritis, altered gait, and knee and back complaints. She alleged

cumulative injuries based on later dates, but medical evidence indicated that the later conditions were natural consequences or aggravations of the original injury rather than separate injuries.

PROCEDURAL HISTORY

Gumm filed two workers' compensation petitions: one alleging the 2008 traumatic ankle injury and another alleging a later cumulative injury. The deputy workers' compensation commissioner found that Gumm's later ankle, knee, and back conditions were sequelae of the 2008 injury rather than distinct cumulative injuries, and the commissioner affirmed. The Iowa District Court for Polk County upheld the commissioner's decision and dismissed Gumm's petition for judicial review. The Iowa Court of Appeals reversed, but the Supreme Court of Iowa granted further review, vacated the court of appeals decision, and affirmed the district court.

DISPOSITION

vacated

CASES CITED

- Ellingson v. Fleetguard, Inc., 599 N.W.2d 440 (Iowa 1999)
- Waldinger Corp. v. Mettler, 817 N.W.2d 1, 8 (Iowa 2012)
- Floyd v. Quaker Oats, 646 N.W.2d 105 (Iowa 2002)
- Bluml v. Dee Jay's Inc., 920 N.W.2d 82, 84 (Iowa 2018)
- JBS Swift & Co. v. Ochoa, 888 N.W.2d 887, 892-93 (Iowa 2016)
- Ochoa, 888 N.W.2d at 892-93, 896-97
- Kohlhaas v. Hog Slat, Inc., 777 N.W.2d 387, 392 (Iowa 2009)
- Simonson v. Snap-On Tools Corp., 588 N.W.2d 430, 434 (Iowa 1999)
- Coffey v. Mid Seven Transp. Co., 831 N.W.2d 81, 90 (Iowa 2013)
- Whitmer v. Int'l Paper Co., 314 N.W.2d 411, 412 (Iowa 1982)
- Excel Corp. v. Smithart, 654 N.W.2d 891, 898 (Iowa 2002)
- Xenia Rural Water Dist. v. Vegors, 786 N.W.2d 250, 257 (Iowa 2010)
- Ziegler v. United States Gypsum Co., 252 Iowa 613, 106 N.W.2d 591 (1960)
- Ayers v. D & N Fence Co., 731 N.W.2d 11, 16-17 (Iowa 2007)
- IBP, Inc. v. Burress, 779 N.W.2d 210, 213 (Iowa 2010)
- Scott v. Shaw Indus., Inc., 729 S.E.2d 327, 328-29 (Ga. 2012)
- Cent. State Hosp. v. James, 248 S.E.2d 678, 679 (Ga. Ct. App. 1978)
- Valdez v. United Parcel Serv., 728 P.2d 340, 342 (Colo. App. 1986)
- Collins v. Norfolk Shipbuilding & Drydock Corp., 522 F. Supp. 1211, 1214 (E.D. Va. 1981)
- Boken v. Peak Interests, LLC, Iowa Workers' Comp. Comm'n Nos. 5040834 & 5056052, 2019 WL 1984043, at *12 (Apr. 29, 2019)
- Dautovic v. Concord Hosp., Iowa Workers' Comp. Comm'n Nos. 5028332 & 5051676, 2016 WL 2944583 (May 17, 2016)

- Fred Smith v. Midwest Mfg. Co., Iowa Workers' Comp. Comm'n No. 5025093, 2009 WL 1171294 (Apr. 29, 2009)
- Grove v. Interstate Brands Corp., Iowa Workers' Comp. Comm'n No. 5007230, 2004 WL 1713773 (July 19, 2004)

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