

IN THE SUPREME COURT OF IOWA

No. 21-0760

Submitted March 23, 2022—Filed April 1, 2022

MARY DENG,

Appellant,

vs.

FARMLAND FOODS, INC. and SAFETY NATIONAL CASUALTY CORPORATION,

Appellees.

Appeal from the Iowa District Court for Crawford County, Roger L. Sailer, Judge.

A workers' compensation claimant challenges the commissioner's treatment of her rotator cuff injury as a scheduled injury rather than an unscheduled whole body injury under Iowa Code section 85.34(2). **AFFIRMED.**

Christensen, C.J., delivered the opinion of the court, in which all participating justices joined. Mansfield and McDermott, JJ., took no part in the consideration or decision of the case.

Jennifer M. Zupp of Zupp and Zupp Law Firm, P.C., Denison, for appellant.

Kathryn R. Johnson and Eric T. Lanham of McAnany, Van Cleave & Phillips, P.A., West Des Moines, for appellees.

Andrew W. Bribriescio, Bettendorf, for amicus curiae League of United Latin American Citizens of Iowa.

Jason D. Neifert of Neifert, Byrne & Ozga, P.C., West Des Moines, for amicus curiae Workers' Compensation Core Group of the Iowa Association for Justice.

Jay M. Smith of Smith & McElwain Law Office, Sioux City, for amicus curiae Iowa Federation of Labor, AFL-CIO, and the United Food and Commercial Workers' International Union.

CHRISTENSEN, Chief Justice.

Mary Deng sought workers' compensation benefits for injuries she sustained to her infraspinatus muscle and labrum during the course of her employment. Deng's infraspinatus muscle injury, which is part of the rotator cuff, is the only injury at issue. Specifically, the parties raise the same legal issue addressed in *Chavez v. MS Technology, LLC*, ___ N.W.2d ___ (Iowa 2022), filed today: whether a rotator cuff injury is a scheduled "shoulder" injury under Iowa Code section 85.34(2)(n) (2018) or an unscheduled whole body injury under section 85.34(2)(v) for compensation purposes. Upon consideration of the issue and for the reasons set forth in *Chavez*, we affirm the district court judgment classifying the rotator cuff injury as a scheduled "shoulder" injury under section 85.34(2)(n).

AFFIRMED.

All justices concur except Mansfield and McDermott, JJ., who take no part.