



**MENARD, INC., and ZURICH NORTH AMERICA, Petitioners-Appellants, vs. RHONDA SCHEFFERT, R**

2014 | Cited 0 times | Court of Appeals of Iowa | December 24, 2014

IN THE COURT OF APPEALS OF IOWA

No. 14-1029 Filed December 24, 2014

MENARD, INC., and ZURICH NORTH AMERICA, Petitioners-Appellants,

vs.

RHONDA SCHEFFERT, Respondent-Appellee.

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Appeal from the Iowa District Court for Polk County, Lawrence P.

McLellan, Judge.

An employer appeals the district court decision affirming the amount of an  
benefits. AFFIRMED.

Charles A. Blades of Scheldrup Blades, Cedar Rapids, for appellants.

Joseph S. Powell of Thomas J. Reilly Law Firm, P.C., Des Moines, for  
appellee.

Considered by Bower, P.J., McDonald, J., and Miller, S.J.\*

\*Senior judge assigned by order pursuant to Iowa Code section 602.9206 (2013). MILLER, S.J.

An employer appeals the district court decision affirming the amount of an  
benefits. We conclude the district court did not err in determining the  
irregular



was not irrational, illogical, or wholly unjustifiable. We affirm the decision of the commissioner.

### I. Background Facts & Proceedings

Rhonda Scheffert was employed at Menard, Inc.,<sup>1</sup> as an assistant manager. She sustained a work-related injury on November 24, 2008, and filed rate of compensation, which is based on her gross earnings. The employer disputes whether bonuses should be included in her gross earnings.

After a hearing, a deputy commissioner determined:

[Claimant] was hired by the defendant employer in 1996. . . . Claimant, as an assistant manager, earned \$12.80 per hour for weekday work. On weekend days, she earned \$15.30 per hour. In addition to her hourly wage, claimant received bonuses. If the department was profitable, the 3 managers received a percentage of the profit. Every year the claimant worked for defendant employer, she received some amount of bonus. This was known as the TPS bonus. Additionally, claimant was eligible for an IPS bonus. If the store was profitable, claimant could receive up to 15 percent of her earnings as a bonus.

<sup>1</sup> We will refer to Menard, Inc. and its workers' compensation insurance carrier together as the employer. Bonuses were paid out in the following year. For claimant, a bonus for 2008 would be paid in February 2009 if the claimant qualified. The management bonus was, in part, based on department income against department payroll. Neither bonus was guaranteed. The management bonus could be revised downward based on fines. . . . However, claimant did receive both a profit sharing and management bonus in 2008. While the bonuses could be altered or canceled at any time, they were not in 2008. Defendants assert in their brief the claimant was not eligible for bonuses at the time of her injury and were only anticipatory, but payment records and instant profit sharing reports indicate claimant was paid profit sharing in 2009 for a 2008 year in the amount of \$4,224.71 and management bonus of \$1,133.32 in 2008. Therefore, the evidence supports an adoption of the

(Parentheticals omitted.)

oner affirmed and adopted the

received by Scheffert were regular was not irrational, illogical, or wholly



unjustified. The court determined there was substantial evidence in the record to the district court.

## II. Standard of Review

The commission has the authority to find facts in order to determine an

Burton v. Hilltop Care Ctr., 813 N.W.2d 250, 265

n agency has been clearly vested with the authority to

Id governed by or accord Sherwin- Revenue Id Id.

## III. Merits

The employer claims the district court erred by affirming the

Profit Sharing (IPS) and management bonuses because those bonuses were

irregular gross

salary, wages, or earnings of an employee to which such employee would have

been entitled had the employee worked the customary hours for the full pay

Iowa Code § 85.36 (2011). The term

Id. § 85.61(3); Mycogen Seeds v.

Sands, 686 N.W.2d 457, 470 (Iowa 2004).

Burton and were not considered by the agency in applying law to fact and then [ ]

Id a factual foundation, was governed by reason, and was should be affirmed. Id. We conclude the district court did not err in determining the

not irrational, illogical, or wholly unjustifiable. As the com year that claimant worked for defendant employer, she received some amount of

the time of her injury on November 24, 2008, the evidence showed she had been



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paid a bonus in 2009 for her work in 2008. We conclude there are logical

We affirm the decision of the district court, which affirmed the decision of

commissioner.

AFFIRMED.

