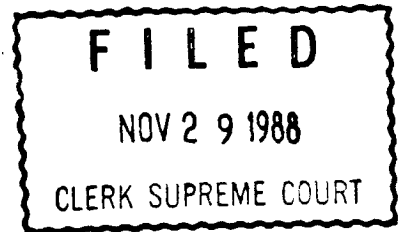


IN THE COURT OF APPEALS OF IOWA



EILEEN ZEHENTNER,)
Petitioner-Appellee,)
vs.)
DEPARTMENT OF HUMAN SERVICES)
and STATE OF IOWA,)
Respondents-Appellants.)

382

8-569
88-217

Appeal from the Iowa District Court for Dubuque County
(No. 46047), Thomas H. Nelson, Judge.

Respondents appeal the decision of the district court
which reversed the Industrial Commissioner and remanded the
case for a determination that petitioner sustained
permanent total disability. **REVERSED.**

Thomas J. Miller, Attorney General, and Shirley A.
Steffe, Assistant Attorney General, for
respondents-appellants.

A. John Arenz, of O'Connor & Thomas, P.C., Dubuque, for
petitioner-appellee.

Considered by Hayden, P.J., and Sackett and Habhab, JJ.

PER CURIAM

383

Respondents-appellants Department of Human Services and State of Iowa, appeal a district court decision reversing a decision of the Industrial Commissioner and remanding the cause back to the commissioner. Appellants contend the district court exceeded its scope of review and there was substantial evidence to support the commissioner's decision petitioner-appellee had no industrial disability.

A review of the industrial commissioner's decision is governed by Iowa Code section 17A.19. The scope of review is not de novo. The commissioner's findings have the effect of a jury verdict. Those findings are applied broadly and liberally to uphold rather than defeat the commissioner's decision; they are binding on appeal. The above rules are applicable in the district court review. We review the district court's appeal decision for errors of law. In this pursuit we reapply the section 17A.19(8) standards to the agency action to determine whether our conclusions are the same as those of the district court. Doerfer Division of CCA v. Nicol, 359 N.W.2d 428, 432 (Iowa 1984). The question on judicial review is not whether the evidence might support a different finding but whether evidence supports findings the commissioner actually made. Ward v. Iowa Dep't of Transp., 304 N.W.2d 236, 237-38 (Iowa 1981). The substantial evidence test is applied to the entire record; evidence is substantial if a reasonable mind

would accept it as adequate to reach a conclusion.
Armstrong v. State of Iowa Bldgs., 382 N.W.2d 161, 165-66
(Iowa 1986) (citing Iowa State Fairgrounds Security v. Iowa
Civil Rights Comm'r, 322 N.W.2d 293, 295-96 (Iowa 1982)).

We find substantial evidence to support the agency's
decision. We reverse the district court and reinstate the
decision of the commissioner.

REVERSED.