

IN THE COURT OF APPEALS OF IOWA

No. 6-143 / 95-279

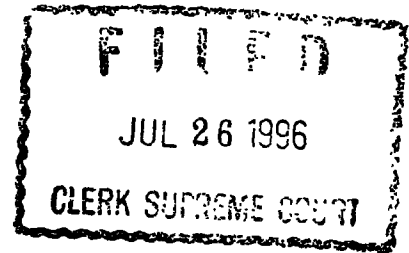
WILLIAM E. NESBIT, SR.,

Petitioner-Appellant,

vs.

MUSCATINE POWER & WATER,
Employer and USF&G, Insurance Carrier,

Respondents-Appellees.



Appeal from the Iowa District Court for Muscatine County, Edward B.
deSilva, Judge.

The petitioner appeals from the district court's ruling on judicial review affirming the decision of the Industrial Commissioner denying his workers' compensation claim for total disability benefits. **AFFIRMED.**

John Wunder, Muscatine, for appellant.

Mark D. Cleve of McDonald, Stonebraker & Cepican, P.C., Davenport, for
appellees.

Considered by Sackett, C.J., Habhab, and Huitink, JJ.

PER CURIAM

This is an appeal by an employee claiming he became totally disabled due to an injury he suffered during the course of his employment. On judicial review, the district court affirmed the Industrial Commissioner's decision denying benefits. We affirm on appeal by memorandum opinion pursuant to Iowa Supreme Court Rule 9.

William Nesbit was employed as a maintenance person with Muscatine Power & Water. On March 13, 1984, he slipped and fell at work, hitting his head on a pipe. He suffered an injury to the cervical spine. After treatment, he was able to return to work on June 4, 1984. Nesbit was terminated from his employment on November 7, 1984, due to excessive absenteeism.

At about the same time as the termination, Nesbit engaged in chronic alcoholism and was hospitalized several times for treatment. Nesbit has a history of psychiatric problems which pre-date the 1984 injury.

Nesbit filed a claim for workers' compensation benefits, alleging he became totally disabled due to his continuing psychological problems after the injury. He presented the testimony of Dr. Frank Gersh and Dr. W. H. Verduyn, who stated that Nesbit suffered brain damage as a result of the fall and this caused his psychological problems. The employer presented the testimony of Dr. James Fish, Dr. Thomas Carlstrom, and Dr. Joseph Doro, who stated that Nesbit's current problems were caused by his history of alcoholism and preexisting psychiatric disorder.

The Industrial Commissioner determined that Nesbit had failed to show his psychological problems were caused by the 1984 injury. The commissioner determined Nesbit's disability was likely the result of alcoholism or his underlying psychiatric disorder, or some combination of these factors. On judicial review, the district court affirm the commissioner.

Nesbit claims the commissioner erred in finding no causal connection between his disability and the work injury. He points out that although he had psychological problems prior to the injury, he was able to work and was considered an exceptional employee. He states that it is only since the injury that his problems have become so severe he is no longer able to maintain employment. Nesbit also contends his experts were more reliable than the employer's experts.

We will reverse the Industrial Commissioner's findings only if, after reviewing the record as a whole, we determine that substantial evidence does not support them. *Gallardo v. Firestone Tire & Rubber Co.*, 482 N.W.2d 393, 395 (Iowa 1992). It is the commissioner's role as finder of fact to determine the weight to be afforded expert testimony. *Terwilliger v. Snap-on Tools Corp.*, 529 N.W.2d 267, 272 (Iowa 1995).

We find there was substantial evidence in the record to support the commissioner's decision. The opinions of employer's experts support the commissioner's decision. The commissioner determined the opinions of Nesbit's experts should not be given as much weight because they did not account for the fact

Nesbit was able to return to work after the injury and satisfactorily perform his work for several months.

We affirm the decision of the district court and the Industrial Commissioner.

AFFIRMED.