IN THE COURT OF APPEALS OF IOWA

No. 2-577 / 92-861

FILED
NOV 30 1992
CLERK SUPREME COURT

JOHN L. HOFFMAN,

Appellant,

vs.

NATIONAL FARMERS ORGANIZATION, Employer, and **AETNA LIFE & CASUALTY,** Insurance Carrier,

Appellees.

Appeal from the Iowa District Court for Polk County, Donna L. Paulsen, Judge.

John Hoffman, a workers' compensation claimant, appeals a district court decision which affirmed the decision of the Industrial Commissioner. **AFFIRMED.**

Jeffrey G. Flagg of Flagg Law Firm, Des Moines, for appellant.

Coreen K. Sweeney and Charles E. Cutler of Patterson, Lorentzen, Duffield, Timmons, Irish, Becker & Ordway, Des Moines, for appellees.

Heard by Donielson, P.J., Sackett, J., and McCartney, S.J.*

*Senior Judge from the 2nd Judicial District serving on this court by order of the Iowa Supreme Court.

DONIELSON, P.J.

John Hoffman appeals a district court decision which affirmed the finding of the Industrial Commissioner denying his claim for workers' compensation benefits.

In April 1984, Hoffman filed an original notice and petition alleging he was injured on April 21, 1982, during the course of his employment with the National Farmer's Organization. Specifically, Hoffman contended he injured his left elbow and sustained a hernia and a back injury while lifting luggage out of the trunk of his car upon returning from a business trip. Hoffman sought treatment for his left elbow injury on April 21, 1982. The medical reports from that date do not mention a hernia or a back injury.

An arbitration hearing was held and the Deputy Industrial Commissioner filed an arbitration decision. The Deputy found Hoffman sustained a work-related injury to his left elbow on April 21, 1982. However, the Deputy also determined Hoffman failed to prove he sustained a hernia or a back injury on that date. The Deputy found the medical evidence indicated Hoffman had an inguinal impulse bulge, which represented an early inguinal hernia, both before and after the April 21, 1982, lifting incident. The Deputy also noted on February 7, 1983, approximately eight or nine months after the alleged injury date, Hoffman had reported to his treating physician that he had noted a left groin bulge for only the past four weeks. Hoffman did not

mention the lifting incident to his physician at this time. In addition, the Deputy found the medical evidence indicated Hoffman did not develop a disc bulge in his lumber spine until May 27, 1989. Based upon these findings, the Deputy concluded Hoffman failed to prove the lifting injury of April 21, 1982, was the proximate cause of his hernia and back problems.

Hoffman appealed to the Industrial Commissioner. The Industrial Commissioner affirmed the Deputy Industrial Commissioner's proposed decision and adopted it as the final agency action in the case. Hoffman then sought judicial review of the agency's decision. In April 1992, following a hearing, the district court entered its ruling affirming the decision of the Industrial Commissioner. Hoffman now appeals.

The scope of review in cases arising out of the Iowa Administrative Procedures Act is limited to the corrections of errors at law. Foods, Inc. v. Iowa Civil Rights Comm'n, 318 N.W.2d 162, 165 (Iowa 1982). A district court decision rendered in an appellate capacity is reviewed to determine whether the district court correctly applied the law. Id. To make that determination, this court applies the standards of section 17A.19(8) to the agency action to determine whether our conclusions are the same as the district court's. Jackson County Pub. Hosp. v. Public Employment Relations Bd., 280 N.W.2d 426, 429-30 (Iowa 1979). The scope of review encompasses a review of the

entire record and is not limited to the agency's findings. Higgins v. Iowa Dep't of Job Serv., 350 N.W.2d 187, 191 (Iowa 1984).

Iowa Code section 17A.19(8)(f) provides in a contested case the court shall grant relief from an agency decision which is unsupported by substantial evidence made before the agency when that record is viewed as a whole. Eaton v. Iowa Dep't of Job Serv., 376 N.W.2d 915, 916-17 (Iowa App. 1985). Evidence is substantial to support an agency's decision when a reasonable person would find it adequate to reach a conclusion. Id. at 917. The question is not whether the evidence might support a different finding, but whether the evidence supports the findings actually made. Henry v. Iowa Dep't of Job Serv., 391 N.W.2d 731, 734 (Iowa App. 1986).

Hoffman contends the agency finding that the April 21, 1982, event was not the proximate cause of his hernia and back injury was unsupported by substantial evidence. Therefore, Hoffman contends he is entitled to compensation because his personal injuries arose out of and in the course of his employment with National Farmer's Organization.

We find the agency decision and the district court's affirmance of that decision were both supported by substantial evidence. Over one year prior to the April 21, 1982, incident, Hoffman was diagnosed as having an "exaggerated impulse in the left inguinal region."

However, the notes taken by the examining physician immediately following the lifting incident in April 1992 make absolutely no mention of Hoffman complaining about pain in the back or groin area. In June 1982, Hoffman was admitted to a hospital with complaints of chest pain and hypertension. At that time, the doctor also diagnosed Hoffman as having a "small impulse bulge on the left inguinal canal and may have an early left inguinal hernia." Hoffman only began to experience physical symptoms of a possible hernia in February 1983, when he reported to doctors he had noticed a bulge in the left groin for the past four weeks.

Viewing the record as a whole, this evidence strongly suggests Hoffman had the inguinal impulse bulge both before and after the lifting incident. None of this evidence establishes the hernia or the back injury were caused or aggravated by the April 21, 1982, lifting incident. Rather, this evidence suggests the condition of the inguinal region was relatively unchanged following the lifting incident. Recognizing that Hoffman must prove the agency finding was unsupported by substantial evidence, we find Hoffman has not met his burden of proof.

The costs of this appeal are taxed to Hoffman.

For the reasons stated, we affirm the judgment of the district court.

AFFIRMED.