

IN THE COURT OF APPEALS OF IOWA

No. 1-455 / 91-209

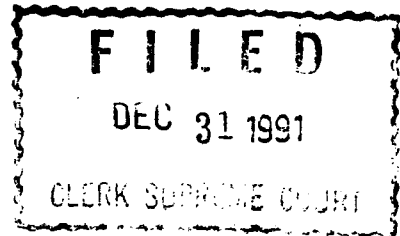


CHART SERVICES, LTD.,

Petitioner-Appellant,

vs.

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EMPLOYMENT APPEAL BOARD and PAUL HUGHES,

Respondents-Appellees.

Appeal from the Iowa District Court for Polk County,
Richard A. Strickler, Judge.

Petitioner appeals a judgment of the district court on
judicial review affirming the decision of the Employment
Appeal Board. **AFFIRMED.**

Jill Thompson Hansen of Brown, Winick, Graves,
Donnelly, Baskerville and Schoenbaum, Des Moines, for
appellant.

Kimberly Birch, Charles City, for appellee Paul Hughes.

William C. Whitten and Joe E. Smith, Employment Appeal
Board, for appellee Employment Appeal Board.

Heard by Schlegel, P.J., and Sackett and Habhab, JJ.

PER CURIAM

Petitioner-appellant Chart Services, Ltd. appeals from the district court decision affirming the Employment Appeal Board's decision finding respondent-appellee Paul Hughes was entitled to unemployment compensation benefits. Appellant contends the evidence supports a finding as a matter of law that claimant was guilty of misconduct.

Hughes was an employee of Chart Services, Ltd. Chart Services, Ltd. terminated Hughes' employment because of alleged derogatory statements he made to clients and alleged unprofessionalism. Hughes filed for unemployment benefits. A hearing officer determined Hughes was entitled to unemployment compensation benefits. The employer appealed this determination. The administrative law judge upheld the ruling of the hearing officer. The appeal board upheld the ruling of the administrative law judge, and the district court affirmed this final agency action. This appeal follows.

Our review of the district court's decision is limited to correction of errors at law. Schmitz v. Iowa Dep't of Human Servs., 461 N.W.2d 603, 605 (Iowa App. 1990).

We are bound by the agency's fact findings if those findings are supported by substantial evidence. See Peoples Memorial Hosp. v. Iowa Civil Rights Comm'n, 322 N.W.2d 87, 91 (Iowa 1982). Evidence is substantial if a reasonable person would find it adequate for reaching a decision. Id. When the facts in an unemployment

compensation case are in dispute or when reasonable minds may differ on the inference to be drawn from the evidence the agency's findings are conclusive. Flesher v. Iowa Dep't of Job Serv., 372 N.W.2d 230, 234 (Iowa 1985).

We liberally apply the agency's findings in order to uphold rather than defeat the agency's decision. See Ward v. Iowa Dep't of Transp., 304 N.W.2d 236, 237 (Iowa 1981).

The facts of this case are in dispute and reasonable minds can differ in the inference to be drawn from the evidence. Under these circumstances, the agency's findings are conclusive. See Flesher, 372 N.W.2d at 234.

AFFIRMED.