FILED
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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

BUD E. ROGERS,	)	
Petitioner-Appellant,	)	Filed June 30, 1981
vs.	)	
IOWA DEPARTMENT OF JOB SERVICE and CLEAR LAKE BAKERY, INC.,	)	1-96
	)	2-65733
Respondents-Appellees.	)	

Appeal from Cerro Gordo District Court - Ray E. Clough, Judge.

Petitioner appeals from ruling of the district court affirming respondent agency's denial of unemployment benefits. AFFIRMED.

Steve St. Clair of Legal Services Corporation of Iowa, Mason City, Iowa, for petitioner-appellant.

James M. Stanton, Clear Lake, Iowa, for Clear Lake Bakery, Inc.

Walter F. Maley, Blair H. Dewey, and Joseph L. Bervid, Des Moines, for Department of Job Service.

Heard by Oxberger, C.J., and Donielson, Snell, Carter and Johnson, JJ.

Petitioner appeals from order of the district court affirming respondent agency's denial of unemployment benefits. He claims that there was insufficient evidence to support the agency's findings that he voluntarily quit his employment and that the agency's findings and conclusions were not as specific as required by section 17A.16(1), The Code. We affirm.

Petitioner was employed by Clear Lake Bakery until November 3, 1979. He never returned to work following that date. On November 3, which was petitioner's day off, he had a telephone conversation (initiated by him) with Arden Madson, his immediate superior at his place of employment. The employer's position before the agency and on judicial review is that petitioner informed Madson during said telephone conversation that he was quitting his job effective at once whereupon a replacement was hired by the bakery. Petitioner disputes the employer's version of the conversation in question.

Petitioner subsequently filed a claim for unemployment compensation which was rejected by a claims deputy on November 16, 1979, on the ground that he left his work voluntarily without good cause attributable to his employer.[1] This decision was affirmed by a hearing officer on January 2, 1980, and by Job Service Appeal Board on March 14, 1980. Petitioner then filed this petition for judicial review under section 17A.19(8), The Code. The district court's order of August 15, 1980, stated that the agency's findings were supported by substantial evidence and affirmed the agency decision. This appeal followed.

I. Our scope of review is governed by the standards set forth in section 17A.19(8), The Code. We uphold agency fact findings that are supported by substantial evidence in the record made before the agency when that record is viewed as a whole. Farmer's Elevator Company, Kingsley v. Manning, 286 N.W.2d 174, 176 (Iowa 1979). Evidence is substantial when a reasonable mind would accept it as adequate to reach a conclusion. Hawk v. Jim Hawk Chevrolet Buick, Inc., 282 N.W.2d 174, 176 (Iowa 1979). The possibility of drawing two inconsistent conclusions from the evidence does not prevent the agency's finding from being supported by substantial evidence. City of Davenport v. PERB, 264 N.W.2d 307, 311 (Iowa 1978).

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[1] Under section 96.5(1), The Code, one who leaves employment voluntarily without good cause attributable to the employer is disqualified from receiving benefits.

We agree with the district court that there was substantial evidence to support the agency's conclusion that petitioner voluntarily quit his job without good cause attributable to his employer. Arden Madson testified that petitioner told him during the November 3 telephone conversation that (1) he did not like his current position and there were no other openings at the bakery, (2) he was quitting, and (3) he would not be back on the job the next morning. Petitioner admits that a telephone conversation between Madson and him took place on November 3, but denies that he told Madson that he was quitting. Frank Motto, maintenance superintendent at the bakery, testified at the hearing and provided some corroboration for Madson's version of the conversation. Motto testified that petitioner had told him on November 3, 1979, that he would quit if he could not find a different position at the bakery. The record also reflects that following the November 3 telephone conversation with Madson, petitioner never returned to work and on November 7th or 8th, called for his check. This is particularly significant because petitioner has never claimed that he was told by anyone that he had been fired.

At the hearing before the agency, petitioner was asked by the hearing officer to explain in what manner his termination was attributable to his employer and in particular, whether he had been fired during the November 3, 1979 phone conversation or thereafter. In this regard the record reflects the following:

> Q: Well, but you said that you did not quit your job?
>
> CLAIMANT: No, no, I never quit.
>
> Q: Okay, but then what happened? You never show up, you never try to find out, why do you lose your employer, how do you call that?
>
> CLAIMANT: They never called me back to work.
>
> Q: If I have a job and the employer don't call me one day, I go there to try and find out why they didn't call me, why didn't you try to go there and find out why they didn't call you?
>
> CLAIMANT: Well when I called to ask about it, Mr. Sells said that he hired a guy that quit on the line, that did that bread same job, they hired him back. He had that job just before I did. So he told me that they hired him back.
>
> Q: And why did they hire him back, did they fire you?
>
> CLAIMANT: That's the whole thing, no, they didn't.

Later, the petitioner stated that at some point he assumed he had been fired. Given the inconclusive nature of petitioner's evidence of having been fired, the specific testimony of Madson that claimant had quit, and the corroborating testimony of Frank Motto, we

find that considering the record as a whole, the agency's decision is supported by substantial evidence.

II. Petitioner also claims that the agency failed to make specific findings of fact and conclusions of law as required by section 17A.16(1), The Code. That section provides in part: "Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of underlying facts supporting the findings." The hearing officer made the following findings of fact:

> The hearing officer, having heard the testimony and examined all the evidence in the administrative file, finds that: The claimant was employed taking bread off a conveyor line by the Clear Lake Bakery, Inc. at Clear Lake, Iowa from July 15, 1978 to November 3, 1979, when he voluntarily quit his employment. On November 3, 1979, the claimant called Arden Madson, Production Manager of the employer, and told him that he did not like his job and that he quit his employment.

In addition, under the heading "Reasoning and Conclusion of Law" the hearing officer stated: "The claimant [petitioner] voluntarily quit his employment with Clear Lake Bakery, Inc. of Clear Lake, Iowa on November 3, 1979. It must be determined whether there was good cause attributable to his employer for leaving. The evidence in the record does not establish good cause attributable to his employer for leaving." Regardless of how this statement is labelled, we find that it is an additional finding of fact on the issues in dispute and serves to disqualify petitioner from eligibility for benefits under section 96.5(1), The Code.

Considering the posture in which the issues were submitted to the hearing officer, the conclusion is inescapable that after considering the conflicting evidence presented, the hearing officer accepted the employer's version. Under such circumstances, he was not required to further develop the factual issues in the agency's written findings. The findings are sufficiently explicit to apprise petitioner of the basis upon which his claim for unemployment benefits was denied.

We have reviewed all of the contentions presented and find no basis for reversal. The order of the district court is affirmed.

AFFIRMED.