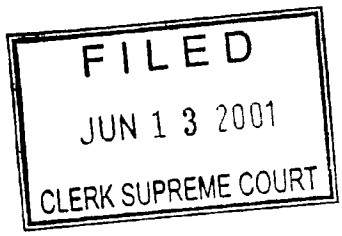
IN THE COURT OF APPEALS OF IOWA

No. 0-806 / 00-215
Filed June 13, 2001



MARLYS STEPHENSON,
Petitioner-Appellee,

vs.

MCI SERVICE MARKETING, EMPLOYER,
Respondent-Appellant.

Appeal from the Iowa District Court for Linn County, William R. Eads, Judge.

Marlys Stephenson appeals from the district court's ruling on judicial review remanding the case to the workers' compensation commissioner to set forth findings of fact on her workers' compensation claim regarding her shoulder injury. **REVERSED.**

Timothy Wegman and Joseph M. Barron of Peddicord, Wharton, Spencer & Hook, P.C., Des Moines, for appellant.

Thomas Wertz of Wertz Law Firm, P.C., Cedar Rapids, for appellee.

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

HUITINK, J.

I. Background Facts and Proceedings.

Marlys Stephenson initiated this action, seeking workers' compensation benefits for the development of fibromyalgia while employed at MCI Service Marketing ("MCI"). MCI denied liability for Stephenson's benefits citing medical reports indicating Scholl's injuries were not work related.

The industrial commissioner resolved the resulting factual disputes against Stephenson, finding that Stephenson's medical expert, Dr. Brooks, was not persuasive on the issue of causation. The commissioner accordingly found that Stephenson failed to show that her injuries arose out of and in the course of her employment, denying Stephenson permanent partial disability benefits.

On judicial review, Stephenson argued the commissioner failed to sufficiently detail her reasons for rejecting Dr. Brooks' uncontroverted testimony. The district court determined that the commissioner failed to state specific facts and reasons for rejecting Dr. Brooks' opinion and remanded to the commissioner for a more detailed statement of her findings of fact and conclusions of law on this issue.

MCI appeals, arguing that the district court improperly found the commissioner's decision lacking in specificity.

II. Standard of Review.

Iowa Code chapter 17A governs review of this workers' compensation decision. See Iowa Code § 86.26 (1999). When exercising its power of judicial review under Iowa Code section 17A.19(8), the district court acts in an appellate

capacity to correct errors of law on the part of the agency. *Teleconnect Co. v. Iowa State Commerce Comm'n*, 404 N.W.2d 158, 161 (Iowa 1987). The court may affirm the agency action or remand to the agency for further proceedings. *IBP, Inc. v. Al-Gharib*, 604 N.W.2d 621, 627 (Iowa 2000). The court shall reverse, modify, or grant any other appropriate relief from the agency action if substantial rights of the petitioner have been prejudiced because of such action. *Id.* In our review of the district court's decision, we apply the standards of section 17A.19(8) to the agency action to determine whether our conclusions are the same as those of the district court. *Teleconnect,* 404 N.W.2d at 162.

III. Sufficiency of the Commissioner's Findings.

It is the duty of the commissioner to state the evidence relied on and to detail the reasons for her conclusion. *Terwilliger v. Snap-On Tools Corp.*, 529 N.W.2d 267, 274 (Iowa 1995). The decision must be sufficiently detailed to show the path she has taken through conflicting evidence. *Catalfo v. Firestone Tire & Rubber Co.,* 213 N.W.2d 506, 510 (Iowa 1973). When the commissioner disregards uncontroverted expert medical evidence she must say why she has done so. *Id.* The findings of fact must be sufficiently certain to enable a reviewing court to ascertain with reasonable certainty the factual basis on which the commissioner acted. *Id.* at 509.

The commissioner's opinion provided as follows:

> Dr. Brooks' opinion, notwithstanding his answers during the deposition, clearly indicates he at least in some part supports claimant's lawsuit against the manufacturers of breast implants as it was based on his determination that she suffered from connective tissue disorders. Dr. Brooks' opinion allowed claimant to recover money from the lawsuit. The fact that Dr. Brooks' opinion is

> inconsistent makes it less persuasive to the undersigned. Dr. Brooks seems to agree that the implants caused her disease when it will help her lawsuit against the breast implant manufacturer. He also believes it is work related to help her compensation claim. It is determined that claimant has failed to prove that the fibromyalgia from which she now suffers arose out of and in the course of her employment or that any disability from which she now suffers as a result of that fibromyalgia is causally connected to her employment.

We find this discussion sufficient to enable us to ascertain with reasonable certainty the factual basis upon which the commissioner acted. *See Leffler v. Wilson and Co.*, 320 N.W.2d 634, 637 (Iowa Ct. App. 1982) (the industrial commissioner is free to reject expert testimony so long as valid reasons are specified as to why this is done). The district court's reason for remanding to the commissioner is not supported by the record. We therefore reverse the district court and affirm the commissioner's decision denying Stephenson's claim for benefits.

REVERSED.