IN THE COURT OF APPEALS OF IOWA

No. 8-079 / 97-0333

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JOHN HAGESTROM,

Petitioner-Appellant,

vs.

SCHAEFF INCORPORATED, Employer, and CONTINENTAL LOSS ADJUSTING, Insurance Carrier,

Respondents-Appellees.

FILED
MAR 27 1998
CLERK SUPREME COURT

Appeal from the Iowa District Court for Woodbury County, Dewie J. Gaul, Judge.

Petitioner appeals from a district court's judicial review ruling affirming the industrial commissioner's decision on petitioner's worker's compensation claim against respondents. **AFFIRMED.**

Ben T. Doran of Quinn, Doran & Anderson, Boone, for appellant.

Richard G. Book of Huber, Book, Cortese, Happe & Brown, P.L.C., Des Moines, for appellees.

Heard by Sackett, P.J., and Vogel and Mahan, JJ.

SACKETT, P.J.

Petitioner-appellant John Hagestrom appeals from the trial court's decision affirming the industrial commissioner's finding he did not have a work-related injury and was not entitled to benefits. We affirm.

In January 1992, Hagestrom was injured working as a welder for respondent-appellee Schaeff Incorporated. Hagestrom saw a company physician who imposed restrictions limiting Hagestrom to light work. Hagestrom continued to have problems.

In February 1992, Hagestrom was examined by Dr. Steven Noel, an orthopaedist. Noel diagnosed Hagestrom as having left cubital tunnel syndrome and performed decompression surgery on Hagestrom in July 1992. After the surgery, Hagestrom reported relief. Noel last saw Hagestrom on November 24, 1992. Noel found Hagestrom able to return to work with permanent lifting restrictions of twenty pounds on his left side and forty pounds on his right side. Noel determined Hagestrom had a seven percent impairment rating to his body.

Hagestrom contended he had continual problems. He consulted Dr. Horst Blume, who determined Hagestrom had injured a cervical disc. Blume wanted additional testing, including discograms and a thermogram to determine the extent of Hagestrom's problems. The tests were done.

Continental Loss Adjusting, Schaeff's worker's compensation carrier, denied Hagestrom's claim for the injury and diagnostic testing. Hagestrom filed a petition

seeking benefits. The case originally was heard by a deputy industrial commissioner who found Hagestrom entitled to some benefits. On appeal, the industrial commissioner determined Hagestrom failed to establish a causal connection between the January 1992 injury at Schaeff's plant and the cervical disc problem. The commissioner additionally found Hagestrom reached his maximum medical improvement from the January 1992 injury on November 24, 1992. The commissioner stopped any benefits as of that date.

The district court affirmed the commissioner finding Hagestrom failed to show medical evidence establishing a connection between the January 1992 injury and his current neck or cervical disc condition. The district court found substantial evidence supported the commissioner's finding Hagestrom reached maximum medical improvement on November 24, 1992.

Hagestrom contends the district court erred in finding Hagestrom failed to prove the cervical disc problem was a work-related issue. The burden of proving the cervical disc problem was caused by a work-related injury is on Hagestrom. *See Briar Cliff College v. Campolo*, 360 N.W.2d 91, 95 (Iowa 1984). Hagestrom must prove an employment incident or activity was a cause of the impairment on which he bases his claim. *Sondag v. Ferris Hardware*, 220 N.W.2d 903, 905 (Iowa 1974). A cause is proximate if it is a substantial factor in bringing about the result. *Blacksmith v. All American, Inc.*, 290 N.W.2d 348, 354 (Iowa 1980).

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Blume does not connect the cervical disc problem to a work-related injury. Hagestrom contends the facts he has had consistent complaints and has not had another injury support his position. We agree with the trial court and the commissioner Hagestrom failed to prove his current problems were work-related. We affirm.

AFFIRMED.