IN THE COURT OF APPEALS OF IOWA

No. 1999-357 (9-610) / 98-1860
Filed March 29, 2000

KEOKUK STEEL CASTINGS and NATIONAL UNION FIRE INSURANCE COMPANY,
Petitioners-Appellants.

vs.

PATTY JACKSON,
Respondent-Appellee.

FILED
MAR 2 9 2000
CLERK SUPREME COURT

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

The petitioners appeal from the district court's ruling on judicial review affirming the industrial commissioner's award of partial permanent disability benefits to the respondent. **AFFIRMED.**

John E. Swanson and Aaron T. Oliver of Hansen, McClintock & Riley, Des Moines, for appellants.

James P. Hoffman, Keokuk, for appellee.

Considered by Huitink, P.J., and Streit and Miller, JJ.

STREIT, J.

Patty Jackson suffered two work-related injuries while working at Keokuk Steel Castings (Keokuk Steel). Stemming from one of the injuries, Jackson received a twelve percent permanent disability from the industrial commissioner. Keokuk Steel and its insurer appeal the decision alleging Jackson's claim should be barred by the full responsibility rule and that a twelve percent disability award is not supported by substantial evidence. Because we find the full responsibility rule inapposite to this case and there was substantial evidence to support the industrial commissioner's conclusions, the award is affirmed.

I. Background Facts & Proceedings.

Patty Jackson worked for Keokuk Steel Castings as a heavy foundry worker. On January 3, 1995, Jackson began experiencing pain, numbness, coldness, swelling, and discoloration in her hands. She was initially examined by a nurse at the on-site first aid office and later by two doctors. One doctor restricted Jackson from work for approximately two weeks and then lifted all medical restrictions. The other doctor concluded Jackson suffered from a work-related injury due to the repetitive use of her hands. After two weeks of recuperation, the pain subsided and Jackson returned to work.

In July of 1996 Jackson suffered another work-related injury when a large board fell on her right arm. She was treated for a contusion injury with no evidence of permanent impairment. Jackson returned to work, but her pre-contusion pain persisted. She saw an additional doctor who found she suffered from bilateral carpal tunnel syndrome resulting in a whole body impairment of

twenty-four percent. The doctor attributed the injury to her repetitive tasks at Keokuk Steel.

Jackson sought workers' compensation alleging repetitive trauma with an injury date of January 3, 1995. At arbitration the deputy industrial commissioner concluded Jackson suffered a twelve percent permanent disability as a result of her repetitive tasks at Keokuk Steel and the contusion-like injury suffered in July of 1996 did not contribute to the disability. In reviewing the arbitration decision, the industrial commissioner echoed the deputy commissioner in affirming the award of twelve percent permanent disability and finding Jackson's subsequent injury was temporary and did not compound her repetitive injury. The district court also affirmed the decision.

Keokuk Steel and its insurer, National Union Fire Insurance Company, appeal claiming the agency erred in failing to apply the full responsibility to rule to Jackson's claim and in awarding her a twelve percent permanent disability as it was not supported by substantial evidence.

II. Standard of Review.

Judicial review of the actions of an administrative agency is governed by the standards of Iowa Code section 17A.19(8) (1997). *Robbennolt v. Snap-On Tools Corp.*, 555 N.W.2d 229, 233 (Iowa 1996). The court acts in an appellate capacity by reviewing the agency's decision solely to correct any errors of law. *Id.* The agency's decision is final if it is supported by substantial evidence and is correct in its conclusions of law. *Id.* The possibility of drawing two inconsistent conclusions from the same evidence does not prevent the agency's decision

from being supported by substantial evidence. *Id.* The findings of the industrial commissioner are akin to a jury verdict, and we broadly apply them to uphold the commissioner's decision. *Second Injury Fund v. Shank*, 516 N.W.2d 808, 812 (Iowa 1984). "We have a duty to correct the district court's errors of law as well." Beier *Glass Co. v. Brundige*, 329 N.W.2d 280, 282 (Iowa 1983).

III. The Applicability of the Full Responsibility Rule.

The full responsibility rule provides "in a situation of two successive work-related injuries, 'the employer is generally held liable for the entire disability resulting from the combination of the prior disability and the present injury.'" *Celotex Corp. v. Autten*, 541 N.W.2d 252, 254 (Iowa 1995) (quoting 2 Arthur Larson, *The Law of Workmen's Compensation* § 59.00, at 10-492.329 (1994)). Keokuk Steel and its insurer attempt to use this legal concept in an effort to procedurally bar Jackson from recovery. Keokuk argues the full responsibility rule demands Jackson plead the second injury date in order to recover and because she plead the first injury date her petition should be dismissed. If we were to follow this line of logic, Jackson would not be able to re-file her petition alleging the second injury date as it would be barred under the statute of limitations. However, based on a textual analysis of the definitional explanation of the full responsibility rule, we find it inapposite to this case. The deputy commissioner found Jackson's contusion-type injury had no bearing on her repetitive stress injury. Therefore, the entire disability did not result from a combination of injuries, but from the repetitive stress injury alone. The full responsibility rule is inapposite to the case.

IV. Substantial Evidence of Permanent Disability.

The deputy industrial commissioner's decision to award Jackson a twelve percent permanent disability was supported by substantial evidence. Keokuk Steel and its insurer attack the credibility of Jackson's doctor as well as his diagnosis. Questions of reliability and credibility, however, are best weighed by the commissioner not the appellate court. *See Kiesecker v. Webster City Custom Meat Inc.*, 528 N.W.2d 109, 110-11 (Iowa 1995). The commissioner made a specific credibility finding by awarding only a twelve percent permanent disability as opposed to the twenty-four percent permanent disability urged by the expert testimony. The commissioner found the doctor's medical opinion both dramatically and graphically demonstrative of a permanent disability. The evidence supported by the record coupled with the industrial commissioner's credibility findings provide ample support that Jackson suffered a twelve percent permanent disability due to repetitive stress injury. The award is affirmed.

AFFIRMED.