

IN THE COURT OF APPEALS OF IOWA

FILED

MAY 28 1985

EUGENE VISLISEL,

)

585

CLERK SUPREME COURT

Petitioner-Appellant,

)

Filed May 28, 1985

vs.

)

5-159

84-1010

IOWA CIVIL RIGHTS COMMISSION, et al.,

)

Respondents-Appellees.

)

Appeal from the Iowa District Court for Linn County - Thomas L. Koehler,
Judge.

Petitioner appeals from the judicial review decision affirming a no probable
cause determination of respondent agency. **AFFIRMED.**

Petitioner-appellant pro se.

Thomas J. Miller, Attorney General, and Teresa Baustian, Assistant
Attorney General, for respondents-appellees.

Heard by Snell, P.J., and Hayden and Sackett, JJ.

SACKETT, J.

Petitioner, Eugene Vislisl, a middle-aged white male, applied for a job as a clerk/typist with Rockwell International. He was hired as a custodian but was discharged when health problems prevented him from fully performing the duties of the job. In subsequent discussions the employer explored the possibility of other types of employment with the company but no re-employment resulted. Vislisl wrote a letter to the Equal Employment Opportunity Commission charging Rockwell had discriminated against him because of both his sex and physical disability. The sex discrimination complaint was investigated by Respondent Iowa Civil Rights Commission, which determined there was no probable cause to believe sex was a factor in the decision not to hire Vislisl as a clerk/typist. After petition for judicial review and remand by the district court, the commission also determined that no probable cause existed to support the disability discrimination claim.

Following hearing on the petition for judicial review, the trial court found the commission's determination to be soundly based on a complete and impartial investigation and not unreasonable, arbitrary, or capricious. We affirm.

Petitioner on appeal basically asserts two arguments. He contends the district court erred in determining the commission decision was based on correct legal standards and a sufficient factual basis, and not the result of unreasonable, arbitrary or capricious action.

The Iowa Civil Rights Commission is a state agency created to aid in administration and enforcement of the Civil Rights Act of 1964. See Estabrook v. Iowa Civil Rights Comm'n, 283 N.W.2d 306, 309 (1979). After a complaint is filed, the commission makes a determination of whether probable cause exists regarding the allegations of the complaint. Iowa Code §601A.15(3)(a-c). When a finding of no probable cause is made, petitioner may appeal the final agency decision to the

district court for judicial review according to the Administrative Procedures Act.
Iowa Code §17A.19.

Our scope of review is strictly limited. We review the district court decision in light of the criteria set forth in Iowa Code § 17A.19(8):

. . . The court shall reverse, modify, or grant any other appropriate relief from the agency action, equitable or legal and including declaratory relief, if substantial rights of the petitioner have been prejudiced because the agency action is:

- a. In violation of constitutional or statutory provisions;
- b. In excess of the statutory authority of the agency;
- c. In violation of an agency rule;
- d. Made upon unlawful procedure;
- e. Affected by other error of law;
- f. In a contested case, unsupported by substantial evidence in the record made before the agency when that record is viewed as a whole; or
- g. Unreasonable, arbitrary or capricious or characterized by an abuse of discretion or a clearly unwarranted exercise of discretion.

See also Foods, Inc. v. Iowa Civil Rights Comm'n, 318 N.W.2d 162, 165 (Iowa 1982).

Following a careful analysis of the district court's determination, we find its decision was based on a proper application of the relevant legal principles. The commission's ruling was not unreasonable, arbitrary or capricious and was clearly within its statutory discretion. Our review also shows the commission decision is supported by substantial evidence. Where substantial evidence supports the agency action, then its findings are binding on this court. Hawk v. Jim Hawk Chevrolet-Buick, Inc., 282 N.W.2d 84, 86-87 (Iowa 1979); see also Billingsley v. Iowa Dep't of Job Serv., 338 N.W.2d 538, 540 (Iowa Ct. App. 1983).

AFFIRMED.