IN THE COURT OF APPEALS OF IOWA

FILED
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CLERK SUPREME COURT

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RUAN TRANSPORT CORP., Employer, and CARRIERS INSURANCE COMPANY, Insurance Carrier	)
Petitioners-Appellants,	)
vs.	)
GARMAN K. VIKTUREK,	)
Respondent-Appellee.	)

Filed October 28, 1987

7-194
85-1629

Appeal from the Iowa District Court for Henry County (No. CL-904-06-85) - David B. Hendrickson, Judge.

Employer and its insurer appeal from district court's affirmance of award of workers' compensation benefits. **AFFIRMED.**

Steven S. Hoth, of Hirsch, Adams, Hoth & Krekel, Burlington, for the petitioners-appellants.

William Bauer, of Dailey, Ruther, Bauer, Schulte & Hahn, Burlington, for the respondent-appellee.

Considered by Oxberger, C.J., and Donielson, and Sackett, JJ. Snell, J. takes no part.

PER CURIAM

Employer and its insurer appeal from the district court's affirmance of an award of workers' compensation benefits to Garman K. Vikturek. Vikturek, a truck driver, injured his right arm in March 1979 and his left shoulder in July 1981 while working for employer.

The hearing officer concluded Vikturek had suffered a permanent total disability as a result of the injuries and awarded workers' compensation benefits. The industrial commissioner affirmed the hearing officer's decision. The employer appealed to the district court on two grounds:

1. The determination of permanent total disability was in error because it was not supported by substantial evidence, and
2. The commissioner erred in failing to order the payments to Vikturek should terminate on his sixty-fifth birthday.

The district court affirmed the commissioner's award of workers' compensation benefits. Employer appeals.

Our scope of review is not de novo; our duty is to correct errors of law. Iowa Code §17A.20. We review the decision of the district court, also rendered in an appellate capacity, to determine whether the district court applied the law correctly. Dickenson v. John Deere Prods. Eng'g, 395 N.W.2d 644, 646 (Iowa App. 1986). The commissioner's findings have the effect of a jury verdict; they are binding on appeal unless a contrary result is demanded as a matter of law. Doerfer Div. of CCA v. Nicol, 359 N.W.2d 428, 432 (Iowa 1984).

I.

Employer argues the determination of permanent total disability was in error because it was not supported by substantial evidence. We find the commissioner's decision Vikturek suffered a permanent total disability was supported by substantial evidence in the record.

II.

Employer claims the commissioner erred in failing to order the payments to Vikturek should terminate on his sixty-fifth birthday. During his testimony, Vikturek stated, "I planned on driving until I was sixty-five." We agree with the district court that Vikturek's statement does not affirmatively establish the limit of his work life. The concept of work-life expectancy is complex, difficult to assess, and raises numerous policy considerations upon which the legislature has not expressed itself. Sidles Distrib. Co. v. Heath, 366 N.W.2d 1, 4 (Iowa 1985). The commissioner did not err in awarding Vikturek workers' compensation benefits based on a determination of his life expectancy. See id.

We affirm the judgment of the district court affirming the commissioner's ruling.

AFFIRMED.