

IN THE COURT OF APPEALS OF IOWA

No. 6-641 / 96-0018

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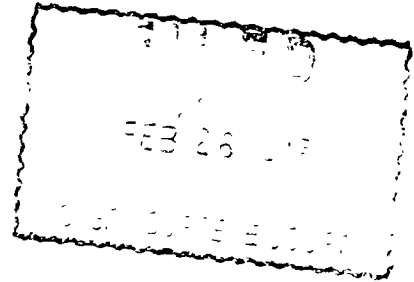
**ROBIN NELSON, Administrator of the Estate
of ROBERT S. NELSON, JR., and as Mother
and Next Friend of ROBERT S. NELSON, III
and SARAH BETH NELSON,**

Petitioner-Appellant,

vs.

OSCAR MAYER FOODS CORP.,

Respondent-Appellee.



Appeal from the Iowa District Court for Scott County, Patrick J. Madden,
Judge.

Estate administrator appeals the district court's ruling on judicial review
upholding the industrial commissioner's decision, which denied the claim for
workers' compensation death benefits. **AFFIRMED.**

Michael T. Hines of McCarthy & Lammers, Davenport, for appellant.

Vicki L. Seeck and Jean Dickson Feeney of Betty, Neuman & McMahon,
L.L.P., Davenport, for appellee.

Considered by Habhab, C.J., Huitink and Vogel, JJ.

PER CURIAM

Robin Nelson, as administrator of the estate of Robert S. Nelson Jr., appeals from the district court's ruling on judicial review upholding the industrial commissioner's decision, which denied the claim for workers' compensation death benefits. We affirm on appeal by memorandum opinion pursuant to Iowa Supreme Court Rule 9.

Robert Nelson Jr. died from a heart attack about an hour after completing his work shift at Oscar Mayer Foods Corporation. Robin Nelson, as administrator of Robert's estate, filed a workers' compensation claim for death benefits. At the subsequent hearing, conflicting evidence was presented concerning whether work caused Robert's heart attack and whether work conditions aggravated his preexisting heart condition resulting in the fatal heart attack. A deputy industrial commissioner awarded benefits finding Robert's death arose out of and in the course of his employment.

Upon Oscar Mayer's appeal, the industrial commissioner reversed. The commissioner concluded the administrator had failed to show that: (1) Nelson's work activity—including the combination of Nelson's repetitive movements, exposure to 45 - 50 degree temperatures, and mental pressure—involved exertion greater than nonemployment life; and (2) even though Nelson had earlier been warned about absenteeism, that he was compelled to keep working after the onset of his heart attack. The commissioner also concluded Nelson's preexisting high risk for heart

attacks was the likely cause of his death, that his was a heart attack waiting to happen, and that it was only by chance that it occurred while Robert was working.

Robin Nelson sought judicial review of the commissioner's decision denying benefits. The district court concluded there was substantial evidence supporting the commissioner's ruling that claimant had failed to establish medical causation. The court noted that this conclusion obviated the need to review the commissioner's finding related to legal causation. Nonetheless, the court also found no reason to set aside the commissioner's ruling that claimant had failed to establish legal causation. Robin Nelson has appealed.

Administrative findings of fact are binding on a reviewing court if they are supported by substantial evidence when the record is viewed as a whole. Evidence is substantial when a reasonable mind would accept it as adequate to reach a conclusion. The possibility of drawing two inconsistent conclusions from the same body of evidence does not prevent an administrative agency's finding from being supported by substantial evidence.

Varied Enterprises, Inc. v. Sumner, 353 N.W.2d 407, 409 (Iowa 1984) (citations omitted).

The administrator contests the commissioner's finding that she failed to establish legal causation. She argues the commissioner failed to consider one of three alternatives by which a claimant can show legal causation. See *Riley v. Oscar Mayer Foods Corp.*, 532 N.W.2d 489, 492 (Iowa App. 1995). However, as noted by the district court, because a claim concerning a preexisting heart condition must show legal and medical causation, we need not address this issue if there is substantial

evidence supporting the commissioner's finding that claimant failed to show medical causation.

The medical test requires medical evidence that exertion or work in fact caused the heart attack. *Id.* Here, the parties presented conflicting expert opinions on the issue. Oscar Mayer's expert concluded Robert Nelson's coronary artery disease was extremely severe and he was thus at risk of sudden death at any time. It was this doctor's opinion that Robert's work was not a factor in his death. We conclude substantial evidence supports the commissioner's finding that claimant failed to establish medical causation. This is sufficient to justify the denial of benefits. We therefore affirm.

AFFIRMED.