FILED
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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

424

GEORGE C. WEBER d/b/a TABOR FLORAL SHOP,	)	
Petitioner-Appellant,	)	Filed August 26, 1987
vs.	)	
IOWA DEPARTMENT OF JOB SERVICE,	)	7-150 85-898
Respondent-Appellee.	)	

Appeal from the Iowa District Court for Polk County (AA 564), Dick Strickler, Judge.

Petitioner appeals a district court order which affirmed an appeal board decision finding that petitioner's employee was terminated from her employment for nondisqualifiable reasons, and so was entitled to receive unemployment benefits. **AFFIRMED.**

George C. Weber, pro se, Glenwood, Iowa.

Blair H. Dewey and William C. Whitten, Employment Appeal Board, for respondent-appellee.

Considered by Oxberger, C.J., and Schlegel and Sackett, JJ.

SCHLEGEL, J.

The petitioner appeals a district court order which affirmed an appeal board decision finding that petitioner's employee was terminated from her employment for nondisqualifiable reasons, and so was entitled to receive unemployment benefits. We affirm.

The petitioner, George C. Weber, entered into a contract with Myrna Carr on April 24, 1982, whereby Carr was to manage a floral shop that Weber owned. The contract was for a one-year term unless either party gave notice in writing by registered mail, giving at least thirty days notice. On September 14, 1982, Carr sent a letter of resignation to Weber. Weber asked Carr to stay on until he could find a new manager. Weber then told Carr that the store was going to close and that October 30, 1982, would be Carr's last work day. On October 25 Carr found out Weber was hiring a new manager and the store was not closing. She left the next day, leaving the shop in disarray.

Carr applied for unemployment benefits. On November 17, 1982, the claims deputy found that Carr voluntarily quit after giving written notice to Weber. A hearing officer, on March 2, 1983, affirmed the claims deputy's decision. On December 2, 1983, the Appeals Board reversed the decision of the hearing officer, finding that Carr was terminated for nondisqualifiable reasons and therefore entitled to unemployment benefits. The Appeals Board stated that Carr was terminated by virtue of being told the shop was closing, her last day of work was to be October 30, and by the hiring of a new employee to take Carr's place. On April 15, 1985, the district court concluded there was substantial evidence to support the Appeal Board's decision that the claimant was terminated for nondisqualifiable reasons. Weber appeals this decision.

In cases arising out of the Iowa Administrative Procedure Act, our scope of review is limited to the correction of errors of law. Iowa Code section 17A.20

(1987). In order to uphold the decision of the Job Service Appeal Board, such decision must be supported by substantial evidence in the record before the agency when the record is reviewed as a whole. Formandez v. Iowa Department of Human Services, 375 N.W.2d 701, 705 (Iowa 1985). Evidence is substantial to support an agency's decision if a reasonable person would find it adequate to reach the given conclusion. Meads v. Iowa Department of Social Services, 366 N.W.2d 555, 558 (Iowa 1985). Though two inconsistent conclusions may be drawn from the record, such a possibility does not prevent the agency's finding from being supported by substantial evidence. Contract Services Ltd. v. Iowa Department of Job Service, 372 N.W.2d 212, 215-16 (Iowa 1985). In order to make that determination, we apply the standards of Iowa Code section 17A.19(8) to the agency action to determine whether our conclusions are the same as the district court's. Ray v. Iowa Department of Job Service, 398 N.W.2d 191, 194 (Iowa App. 1986).

Based on the record as a whole, we believe that a reasonable person could reach a conclusion that Carr was an employee of Weber and that Carr was terminated for nondisqualifiable reasons. Weber asserts that Carr was an independent contractor and not an employee. The claims deputy said that Carr was an employee and that Weber was her employer. The hearing officer agreed. The Appeals Board agreed. The district court agreed. We agree. There is substantial evidence to support such a conclusion grounded in the facts of the relationship between the parties. Furthermore, there is substantial evidence in the record as a whole to permit a reasonable person to conclude that a termination occurred when Weber refused Carr's resignation but then subsequently told Carr the business was to close, her last workday would be October 30th, and then hired another employee. As the district court said, there is no alternative but to determine the agency decision is supported by substantial evidence.

AFFIRMED.