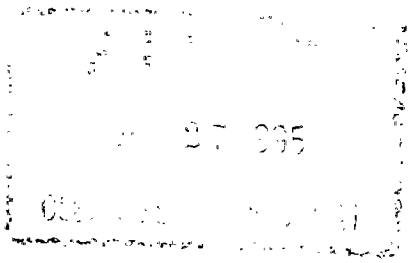
IN THE COURT OF APPEALS OF IOWA

No. 5-051 / 94-700



BRADLEY LOFTSGARD,

Petitioner-Appellant,

vs.

WALTER FARMS, INC., and GRINNELL MUTUAL INSURANCE COMPANY,

Respondents-Appellees.

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

The petitioner appeals from the district court's ruling on judicial review affirming the industrial commissioner's decision on the petitioner's workers' compensation claim. **AFFIRMED.**

Arvid D. Oliver, Des Moines, for appellant.

Philip H. Dorff, Jr., and M. Anne McAtee of Hopkins & Huebner, P.C., Des Moines, for appellees.

Considered by Hayden, P.J., and Sackett and Cady, JJ.

SACKETT, J.

Petitioner-appellant Bradley Loftsgard appeals from a district court order affirming the decision of the industrial commissioner in his workers' compensation claim.

Loftsgard claims (1) the commissioner made an error at law in finding he temporarily aggravated a preexisting condition and in denying benefits for temporary total disability or permanent partial disability and (2) the decision the commissioner made was not supported by substantial evidence. We affirm.

Loftsgard sought workers' compensation benefits for an occupational disease under Iowa Code chapter 85A. Loftsgard contended he suffered an asthmatic condition resulting from long-term employment as a farm worker for respondent-appellee Walter Farms, Inc. The case was tried to a deputy and appealed to the commissioner.

The commissioner found Loftsgard had a preexisting asthmatic condition aggravated by exposure to irritants in his employment which resulted in a need for him to change jobs but did not result in lost time from work. The commissioner denied Loftsgard total and/or permanent disability benefits and ordered Walter Farms to pay his medical expenses. The commissioner's decision modified the deputy's decision.

From 1980 to 1990, Loftsgard worked for Walter Farms. Walter Farms raised grain and livestock, including cattle and hogs, and Loftsgard worked in both areas.

Beginning in 1988, Loftsgard lived on the farm in the area of a hog confinement facility.

In September 1986, Loftsgard was a part of a study to evaluate lung disease in workers in hog confinement facilities at the Institute of Agricultural Medicine and Occupational Health of the University of Iowa College of Medicine. Tests were done. No significant decrease in his lung function was found. Skin tests for allergic reactions to dusts, pollens, animals, and swine allergens found allergic reactions to mold, short ragweed, and tree pollen.

In the fall of 1988, Loftsgard had respiratory problems. By 1990, his problems had become more severe. Loftsgard's employer arranged for him to have other training while he worked part time. He was to drive a truck. In September 1990, Loftsgard quit Walter Farms to work as a truck driver for Olson's Explosives in Decorah and has continued to work there without interruption since.

This court reviews to determine whether the agency decision is supported by substantial evidence when viewing the record as a whole. *Lithcote Co. v. Ballenger*, 471 N.W.2d 64, 66 (Iowa App. 1991). Evidence is substantial to support an agency's decision when a reasonable person would find it adequate to reach a conclusion. *Id.* The question is not whether the evidence might support a different finding, but whether the evidence supports the findings actually made. *Gilliam v. Atlantic Bottling Co.*, 453 N.W.2d 230, 232 (Iowa App. 1990).

The industrial commissioner, not the court, weighs the evidence, and the court broadly and liberally construes the industrial commissioner's findings to uphold rather than defeat his decision. *Department of Transp. v. Van Cannon*, 459 N.W.2d 900, 903 (Iowa App. 1990). 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. *Id.*

The focal issue is whether there is substantial evidence to support a finding Loftsgard's asthmatic condition was a preexisting problem temporarily aggravated by exposure to irritants at work.

Loftsgard has the burden of proving by a preponderance of the evidence that he received an injury or occupational disease which arose out of or in the course of his employment. *See McDowell v. Town of Clarksville*, 241 N.W.2d 904, 907-08 (Iowa 1976). Loftsgard must also show by a preponderance of the evidence that the injury or occupational disease is causally related to the disability on which he now bases his claim. *Bodish v. Fischer, Inc.*, 257 Iowa 516, 519, 133 N.W.2d 867, 868 (1965). A possibility is insufficient; a probability is necessary. *Burt v. John Deere Waterloo Tractor Works*, 247 Iowa 691, 702, 73 N.W.2d 732, 738 (1955). The question of causal connection is essentially within the domain of expert testimony. *Bradshaw v. Iowa Methodist Hosp.*, 251 Iowa 375, 382-83, 101 N.W.2d 167, 171 (1960). An expert opinion may be accepted or rejected, in whole or in part, by the trier of fact. *Sondag v. Ferris Hardware*, 220 N.W.2d 903, 907 (Iowa 1974). The

weight to be given an opinion of an expert is for the fact finder, and may be affected by the completeness of the premise given the expert and other surrounding circumstances. *Bodish*, 257 Iowa at 870, 133 N.W.2d at 522.

In proving an "occupational disease," Loftsgard need meet only two basic requirements to prove causation of an occupational disease. First, the disease must be causally related to the exposure to the harmful conditions in the field of employment. Second, the harmful conditions must be more prevalent in the employment than in everyday life or other occupations. *See* Iowa Code § 85A.8; *Noble v. Lamoni Prods. and Liberty Mut. Ins. Co.*, 512 N.W.2d 290, 294 (Iowa 1994); *McSpadden v. Big Ben Coal Co.*, 288 N.W.2d 181, 190 (Iowa 1980).

The industrial commissioner found Loftsgard suffered only a temporary aggravation of a preexisting asthmatic condition. The industrial commissioner gave little weight to a ten percent permanent impairment rating made by Dr. McMullan, Loftsgard's treating physician, because McMullan did not rely on the AMA Guidelines. McMullan did not offer a detailed basis as to how he arrived at his opinion of the ten percent permanent impairment rating.

The industrial commissioner gave greater weight to the opinion of Dr. Zorn, a specialist in internal and pulmonary medicine, who relied on the AMA Guidelines and concluded no permanency existed. Loftsgard says Zorn incorrectly concluded he was diagnosed with asthma as a child.

Zorn testified Loftsgard's present condition was an exacerbation of the asthma he had since childhood. Zorn further believed Loftsgard did not suffer from any permanent condition nor did he have any current residual damage or symptoms.

The industrial commissioner found Loftsgard had a preexisting asthmatic condition. Loftsgard contends he was never diagnosed as a child as having such a condition. The evidence shows he had a predisposition to this condition. Loftsgard saw the family doctor once or twice while he was in the eighth or ninth grade for breathing difficulties related to working with oats. The doctor suggested Loftsgard could have asthma. Loftsgard admitted he had some wheezing difficulty when exposed to oat and wheat dust when growing up on the farm.

Evidence exists in the record to support the industrial commissioner's finding "whether diagnosed as asthma or not, claimant [Loftsgard] has a preexisting condition that makes him unable to be around certain irritants." Evidence supports the finding Loftsgard had a "susceptibility to asthmatic reactions apparently since childhood, and the medical evidence also seems in agreement that his work did not give him asthma, but rather aggravated his asthma."

The industrial commissioner concluded that taken as a whole, the record indicates whether or not Loftsgard had been diagnosed with asthma as a child, he has an underlying susceptibility to asthmatic reactions when exposed to dusts and other irritants. The record also shows, when removed from exposure to the irritants, Loftsgard is not symptomatic. The industrial commissioner found Loftsgard's

asthmatic condition was merely aggravated and not permanently worsened. The industrial commissioner reasoned that "[a]bsent a showing that the exposure has permanently worsened the underlying condition, a claimant under such circumstances is entitled only to temporary total disability for the times off work caused by the exposure."

Sufficient evidence does exist in this record to support the conclusion Loftsgard does not suffer an occupational disease of asthma which was caused by his employment. Although reasonable minds could vary, sufficient evidence supports the conclusions of the industrial commissioner. Evidence exists to support the finding Loftsgard had a condition that made him more susceptible to asthmatic conditions. The work for Walter Farms exacerbated or aggravated the asthma; however, by staying away from the dust, Loftsgard is fine. Substantial evidence exists to show Loftsgard did not suffer any permanent or lasting ailment or worsening of this condition. Zorn even opined no permanency existed as a result of exposure to the irritants associated with the farm.

We affirm.

AFFIRMED.