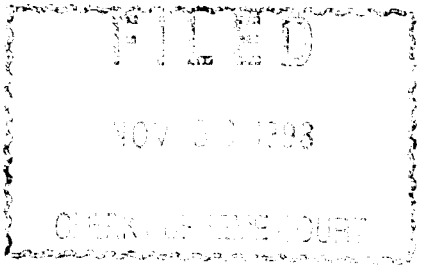
IN THE COURT OF APPEALS OF IOWA

No. 8-285 / 97-1239
Filed November 30, 1998



ALICE REED,
Appellant,

vs.

HARDEE'S, and ALLIED INSURANCE GROUP,
Insurance Carrier,
Appellees.

Appeal from the Iowa District Court for Polk County, George Bergeson, Judge.

The petitioner appeals from the district court's ruling on judicial review of the industrial commissioner's decision denying Alice Reed's claim for workers' compensation benefits. **AFFIRMED.**

Channing L. Dutton of Lawyer, Lawyer, Dutton & Drake, West Des Moines, for appellant.

Valerie A. Landis of Hopkins & Huebner, P.C., Des Moines, for appellees.

Heard by Sackett, C.J., and Huitink and Mahan, JJ.

HUITINK, J.

Alice Reed appeals from the district court's judgment on judicial review affirming the industrial commissioner's decision denying her claim for workers' compensation benefits. We affirm.

I. Background Facts and Proceedings.

Alice Reed injured her hip while working at a Hardees restaurant in Indianola on November 9, 1992. As a result of her injuries, Reed received temporary disability benefits until March 15, 1993. Her attempted return to work was unsuccessful and she left her employment at Hardees in May 1993.

In March 1993, Reed filed another claim for workers' compensation benefits. She alleged her November 1992 injury caused a material aggravation of a pre-existing condition and she was entitled to permanent partial disability benefits in addition to benefits already received. After an arbitration hearing, a deputy industrial commissioner found Reed's injuries were an aggravation of an existing condition and awarded her additional benefits.

On Hardees' appeal, the industrial commissioner concluded Reed failed to prove her condition was the result of a work-related injury. The deputy's decision was set aside and Reed's claim for additional benefits was denied. The district court, on judicial review, determined the commissioner's decision was supported by substantial evidence and affirmed the decision of the commissioner.

II. Standard of Review.

Our review of this case is governed by Iowa Code chapter 17A (1991), Iowa's administrative procedure act. *See* Iowa Code § 86.26; *Second Injury Fund v. Nelson*, 544 N.W.2d 258, 264 (Iowa 1995). Our review of administrative agency decisions—like that of the district court—is limited to correcting legal error. *Second Injury Fund v. Shank*, 516 N.W.2d 808, 812 (Iowa 1994). The findings of the commissioner are akin to a jury verdict, and we broadly apply them to uphold the commissioner's decision. *Id.* The question is not whether the evidence supports a different decision, but whether it supports the decision actually made by the industrial commissioner. *Terwilliger v. Snap-On Tools Corp.*, 529 N.W.2d 267, 271 (Iowa 1995).

We may reverse, modify, affirm, or remand the case to the commissioner for further proceedings if we conclude the agency's action is affected by an error at law or if it is not supported by substantial evidence. Iowa Code § 17A.19(8); *Nelson*, 544 N.W.2d at 264. Evidence is substantial if a reasonable mind would find it adequate to reach a conclusion. *Shank*, 516 N.W.2d at 812. The possibility of drawing two inconsistent conclusions from the same evidence does not prevent the commissioner's decision from being supported by substantial evidence. *Henry v. Iowa Dep't of Job Serv.*, 391 N.W.2d 731, 734 (Iowa App.1986). In such a case, we cannot interfere with the commissioner's conclusions. *Shank*, 516 N.W.2d at 812.

III. The Merits.

The issue dispositive of Hardees' claim is the cause of her disability. The record contains conflicting medical evidence on this issue. Dr. Boulden testified Reed's 1992 injury aggravated her arthritic condition causing the disability for which she claimed compensation. Dr. Kimelman, who treated Reed in 1992, testified Reed's 1992 injury did not result in permanent aggravation of her arthritic condition. The industrial commissioner expressly rejected Boulden's testimony, finding Kimelman's testimony more credible. As noted earlier, we are bound by this determination, even though Boulden's testimony may have supported a contrary determination.

We, like the district court, conclude the commissioner's decision is supported by substantial evidence. The judgment of the district court is accordingly affirmed.

AFFIRMED.