FILED
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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

317

EUGENE VISLISEL,

Plaintiff-Appellant,

vs.

ROCKWELL INTERNATIONAL CORPORATION, et al.,

Defendants-Appellees.

9-15
88-477

Appeal from the Iowa District Court for Linn County (No. LA 13672), Van D. Zimmer, Judge.

Plaintiff appeals the dismissal of part of his action against his former employer. **AFFIRMED.**

Eugene Vislisel, Cedar Rapids, pro se, for plaintiff-appellant.

Scott E. McLeod and Matthew J. Nagle of Lynch, Dallas, Smith & Harman, Cedar Rapids, for defendants-appellees.

Considered by Donielson, P.J., and Sackett and Habhab, JJ.

DONIELSON, P.J. 318

Plaintiff appeals the decision of the district court which dismissed part of his action against his former employer which alleged he had been discharged because of disability. Plaintiff claims the trial court erred in: 1) finding that his exclusive remedy was through Iowa Code Chapter 601A, the Iowa Civil Rights Act; and 2) precluding him from having a full and fair opportunity to litigate his claims when he was denied the right to a hearing before the Iowa Civil Rights Commission.

Plaintiff Eugene Vislisel was discharged from employment with Rockwell International Corporation on August 27, 1976. He filed a complaint with the Iowa Civil Rights Commission alleging discrimination based on his disability. On December 20, 1977, the commission dismissed the case when it found "no probable cause" for Vislisel's allegations. Vislisel sought judicial review. The district court remanded the case and the commission again found "no probable cause." Vislisel again sought judicial review, and the court affirmed the commission, dismissing Vislisel's case. Vislisel appealed that decision and this court affirmed.

The present petition was filed by Vislisel against Rockwell on September 3, 1985. Rockwell filed a motion to dismiss. The court determined that plaintiff's exclusive remedy was under Iowa Code Chapter 601A and that he had

exhausted his administrative remedies. The court concluded that it had no jurisdiction to hear Vislisel's claims. On February 14, 1986, the district court dismissed Vislisel's claims except for ones under Iowa Code Chapter 730, which were dealt with separately. On March 3, 1986, he filed a notice of appeal with the Iowa Supreme Court which was dismissed. It is the February 14 dismissal that Vislisel now appeals.

A claimant, asserting that his employer committed a discriminatory practice, must pursue the remedy provided under the provisions of the Civil Rights Act. Northrup v. Farmland Indus., Inc., 372 N.W.2d 193, 197 (Iowa 1985). The procedures under the Iowa Civil Rights Act are exclusive and any remedies to which the plaintiff may be entitled "would lie solely under Chapter 601A." Id.

Vislisel's case has been through the administrative and judicial review channels provided by statute. Iowa Code § 601A.15-.17. In order to file a subsequent action for relief in district court, Vislisel needed to secure a release from the commission. Iowa Code § 601A.16(1). The commission correctly did not issue a release because the commission found "no probable cause." Iowa Code § 601A.16(2). Clearly, Vislisel has exhausted the remedies provided to him in Iowa Code Chapter 601A. These remedies are exclusive. Therefore, the district court correctly dismissed his claim.

We do not need to decide whether the trial court correctly ruled the claim to be res judicata. "When the reason given by a trial court for its adjudication is erroneous, the adjudication will nevertheless be sustained if a separate ground, properly urged, is correct." State ex rel. Miller v. National Farmers Org., 278 N.W.2d 905, 906 (Iowa 1979). Exhaustion of plaintiff's exclusive remedies was properly urged and found to be correct. Plaintiff was given the "full and fair opportunity" to litigate his case as provided for by law. Iowa Code Chapter 601A. Therefore, we affirm the decision of the district court.

AFFIRMED.