

IN THE COURT OF APPEALS OF IOWA

FILED

MAY 23 1989

CLERK SUPREME COURT

JAMES W. MICHAELS,)

Petitioner-Appellant,)

vs.)

ROBERT J. ELLIOTT, INC.,)
and HOME INSURANCE CO.,)

Respondents-Appellees.)

255

9-182
88-1370

Appeal from the Iowa District Court for Scott County
(74416), Margaret S. Briles, Judge.

Petitioner appeals the decision of the district court which affirmed the ruling of the Industrial Commissioner denying him workers' compensation benefits because he failed to show his injuries were work related. **AFFIRMED.**

Allan Hartsock of Winstein, Kavensky, Wallace & Doughty, Rock Island, Illinois, for petitioner-appellant.

Michael W. Liebbe of Liebbe & Simmons, Davenport, for respondent-appellee.

Heard by Oxberger, C.J., and Sackett and Habhab, JJ.

PER CURIAM

This case deals with a claim by petitioner-appellant James W. Michaels for workers' compensation for two injuries he alleges were work related.

The fact that petitioner received the first injury was disputed. The first issue is whether there is substantial evidence to support the agency's determination the first alleged injury of petitioner was not work related. The claimant testified the injury was work related. His testimony was contradicted by other witnesses. The agency found his testimony not credible and chose to disbelieve it.

The second issue is whether there was substantial evidence to support the agency's finding certain medical expenses were not caused by his second injury. The fact of his second injury was not disputed.

We, as did the trial court, find substantial evidence to support the agency on these issues. See Armstrong v. State of Iowa Bldgs. & Grounds, 382 N.W.2d 161, 165 (Iowa 1986); Northwestern Bell Telephone Co. v. Iowa State Commerce Comm'n, 359 N.W.2d 491, 495 (Iowa 1984).

AFFIRMED.