IN THE COURT OF APPEALS OF IOWA

No. 6-344 / 95-1675

FILED
OCT 25 1996
CLERK SUPREME COURT

GLORIA IBARRA,
Appellant,

vs.

ARMOUR FOODS and **FRED S. JAMES & CO.,**
Appellees.

Appeal from the Iowa District Court for Cerro Gordo County, Bryan H. McKinley, Judge.

The petitioner appeals the district court's ruling on judicial review affirming the Industrial Commissioner's decision she was entitled to workers' compensation benefits for a scheduled injury. **AFFIRMED.**

H.P. Folkers of Folkers & Keen, Mason City, for appellant.

Marvin E. Duckworth of Hopkins & Huebner, P.C., Des Moines, for appellee.

Considered by Cady, P.J., Streit, J., and Hayden, S.J.*

*Senior judge from the Iowa Court of Appeals serving by order of the Iowa Supreme Court.

HAYDEN, S.J.

Petitioner appeals the decision of the district court upholding the Industrial Commissioner's ruling she suffered a scheduled injury to her arms, and not an injury to the body as a whole. We affirm.

Gloria Ibarra began employment with Armour Foods in 1984. Her jobs involved packaging and slicing bacon, and involved repetitive movements of her arms. In March 1989, she was helping lift a pallet, when she felt pain in her shoulders. She was placed on light duty, but continued to have pain in her shoulders. She saw several different physicians and continued with conservative treatment.

In November 1990, Dr. Raymond Emerson diagnosed Ibarra as having an impingement syndrome. Dr. Emerson performed surgery on her left shoulder in December 1990 and her right shoulder in June 1991. Although surgery alleviated her pain, she still cannot lift above her head or perform work involving repetitive movement of the arms. Dr. Emerson testified Ibarra had a 5% permanent partial impairment to the upper extremity, each side. He stated her impairment was confined to the arms.

Ibarra was discharged from her employment at Armour in 1993. She obtained employment preparing taxes and doing bookkeeping. She earns less then she did working for Armour.

Ibarra filed a claim for worker' compensation benefits. After a hearing, the deputy Industrial Commissioner determined Ibarra suffered a scheduled injury to her

arms, under Iowa Code section 85.34(2)(s). The deputy rejected Ibarra's claim her injury was to her shoulders, which would constitute an injury to the body as a whole. The Industrial Commissioner adopted the deputy's decision. On judicial review, the district court affirmed the commissioner. Ibarra appealed.

We will reverse the Industrial Commissioner's findings only if, after reviewing the record as a whole, we determine substantial evidence does not support them. *Gallardo v. Firestone Tire & Rubber Co.*, 482 N.W.2d 393, 395 (Iowa 1992). Evidence is substantial to support an agency's decision when a reasonable person would find it adequate to reach the given conclusion. *Lithcote Co. v. Ballenger,* 471 N.W.2d 64, 66 (Iowa App. 1991). The question is not whether the evidence might support different findings, but whether the evidence supports the findings actually made. *Gilliam v. Atlantic Bottling Co.*, 453 N.W.2d 230, 232 (Iowa App. 1990).

Ibarra claims there is not substantial evidence in the record to support the commissioner's conclusion her injuries were limited to her arms. She states her injuries extended beyond her arms into her shoulders. She points out she had surgery on her shoulders. A shoulder injury is not a scheduled injury. *Alm v. Morris Barick Cattle Co.*, 240 Iowa 1174, 1177, 38 N.W.2d 161, 163 (1949). Ibarra believes she should receive industrial disability benefits instead of scheduled injury benefits.

The location of the injury, the actual physical trauma, is not determinative of the extent of compensation payable. *Barton v. Nevada Poultry Co.*, 253 Iowa 285, 292, 110 N.W.2d 660, 664 (1961). Compensation depends upon whether there has

been an impairment to the body as a whole. *Lauhoff Grain Co. v. McIntosh*, 395 N.W.2d 834, 841 (Iowa 1986). An injury does not per se amount to an impairment. *Id.* at 840.

In the present case, although Ibarra had surgery on her shoulders, Dr. Emerson testified her impairment was confined to her arms. The weight to be given the doctor's opinion was a question for the finder of fact. *Presthus v. Barco, Inc.*, 531 N.W.2d 476, 479 (Iowa App. 1995). Simply because the evidence may support two different conclusions does not mean the commissioner's conclusion is not supported by substantial evidence. *Id.* We conclude there is substantial evidence in the record to support the commissioner's decision Ibarra had not shown an injury to the body as a whole.

We affirm the decision of the district court and the Industrial Commissioner which found Ibarra suffered a scheduled injury to her arms.

AFFIRMED.