IN THE COURT OF APPEALS OF IOWA

No. 1-555 / 91-578

FILED
MAY 28 1992
CLERK SUPREME COURT

JOHN J. HOFFMAN,

Appellant,

440

vs.

JOHNSON MOTOR COMPANY and EMPLOYMENT APPEAL BOARD,

Appellees.

Appeal from the Iowa District Court for Crawford County, James L. McDonald, Judge.

Hoffman challenges district court ruling affirming the agency decision to deny unemployment benefits due to disqualifiable misconduct. **AFFIRMED.**

Luke Cosgrove, Legal Services Corporation of Iowa, Council Bluffs, for appellant.

William C. Whitten, Employment Appeal Board, for appellee.

Considered by Oxberger, C.J., and Donielson and Schlegel, JJ.

SCHLEGEL, J.

John Hoffman worked for Johnson Motor Company as a body repairman from September 21, 1987, until June 25, 1990. As a job benefit, Hoffman was authorized to work on his own vehicles in the Johnson Motor Company body shop on Monday nights as a part of company policy.

On June 25, 1990, Jack Simonsen, the president of Johnson Motor Company, confronted Hoffman about whether Hoffman had been operating a body repair business. Hoffman admitted he had, but maintained he only performed work for family members and friends on occasion and received no payment or less payment than would be charged by an established body shop for the same or similar work. The specific event giving rise to the termination occurred when Simonsen learned Hoffman had prepared an estimate from another body shop to repair the automobile of Becke who had been involved in an auto accident with Hoffman's mother.

Hoffman filed an application for unemployment compensation which was denied by the job service representative. This denial was affirmed by the administrative law judge and the Employment Appeal Board. Upon judicial review, the district court affirmed the decision of the agency and dismissed Hoffman's petition. Hoffman appeals.

The scope of review in cases arising out of the Iowa Administrative Procedures Act is limited to the corrections of errors at law. Foods, Inc. v. Iowa Civil Rights Comm'n,

318 N.W.2d 162, 165 (Iowa 1982). A district court decision rendered in an appellate capacity is reviewed to determine whether the district court correctly applied the law. Id. To make that determination this court applies the standards of Iowa Code section 17A.19(8) to the agency action to determine whether our conclusions are the same as the district court's. Jackson County Pub. Hosp. v. Public Employment Relations Bd., 280 N.W.2d 426, 429-30 (Iowa 1979). The scope of review encompasses a review of the entire record and is not limited to the agency's findings. Higgins v. Iowa Dep't of Job Serv., 350 N.W.2d 187, 191 (Iowa 1984).

Iowa Code section 17A.19(8)(f) provides in a contested case the court shall grant relief from an agency decision which is unsupported by substantial evidence made before the agency when that record is viewed as a whole. Eaton v. Iowa Dep't of Job Serv., 376 N.W.2d 915, 916-17 (Iowa App. 1985). Evidence is substantial to support an agency's decision when a reasonable person would find it adequate to reach a conclusion. Id. at 917. The question is not whether the evidence might support a different finding but whether the evidence supports the findings actually made. Henry v. Iowa Dep't of Job Serv., 391 N.W.2d 731, 734 (Iowa App. 1986). The fact that two inconsistent conclusions can be drawn from the evidence does not mean that one of those conclusions is unsupported by substantial evidence. Id.

We find there is adequate evidence in the record, including Hoffman's attempt to rebut the presumption that he engaged in competition with his employer, to support the district court's ruling affirming the administrative law judge.

AFFIRMED.