FILED
MAR 23 1988
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

CRAIG SCOTT MARTIN,)
Petitioner-Appellant,)
vs)
IOWA DEPARTMENT OF JOB SERVICE,)
Respondent-Appellee)

Filed March 23, 1988

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7-348
86-1840

Appeal from the Iowa District Court for Jones County (CE 31-0386), Harold F Swailes, Judge

Petitioner appeals the district court decision which affirmed the finding of the appeal board that the petitioner was terminated from employment because of misconduct **AFFIRMED**

Monty R Bertelli, Cedar Rapids, for petitioner-appellant

Walter F Maley, Blair H Dewey, and Joseph L Bervid, Des Moines, for respondent-appellee

Considered by Donielson, P J , and Schlegel and Hayden, JJ.

SCHLEGEL, J.

The petitioner appeals the district court decision which affirmed the finding of the appeal board that the petitioner was terminated from employment because of misconduct. The petitioner alleges that: (1) there is not substantial evidence to support the administrative agency decision that the petitioner falsified the time record of a coemployee; (2) his action did not, as a matter of law, constitute misconduct; and (3) the district court erred in affirming the agency's reversal of the credibility determination of the hearing officer. We affirm.

The petitioner, Craig Scott Martin, was terminated from employment with Don Stickle and Sons Farms, Inc., on the grounds that he had punched in the time card of a coemployee. Martin claims that on April 12, 1985, he punched in the time card of Larry Wells by mistake. Wells had a doctor's appointment that day and did not arrive at work until later. According to Martin, Wells was to speak to the employer about the mistake, but he did not. The employer also claimed that Martin had punched in Wells' time card on April 11, 1985, *before* Wells actually arrived for work.

A claims deputy found that Martin had been discharged for dishonesty in connection with his employment and denied him unemployment benefits. A hearing officer reversed that decision and allowed Martin benefits. The Department of Job Service Appeal Board reversed the decision of the hearing officer. Upon judicial review, the district court affirmed the Appeal Board, finding that the decision was supported by sufficient evidence of misconduct.

Our scope of review is governed by Iowa Code section 17A.19. The district court may grant relief from the agency action upon grounds stated in section 17A.19(8) of the Iowa Code. Our duty is to correct errors of law made by the district court. Mathis v. State Conservation Comm'n, 369 N.W.2d 435, 437 (Iowa 1985). The administrative agency's decision must be supported by substan-

tial evidence in the record viewed as a whole. Iowa Code § 17A.19(8)(f) (1987). Evidence is substantial when a reasonable mind would accept it as adequate to reach a conclusion. See Henry v. Iowa Dep't of Job Serv., 391 N.W.2d 731, 734 (Iowa App. 1986). The possibility of drawing two inconsistent conclusions does not prevent an agency's finding from being supported by substantial evidence. Meads v. Iowa Dep't of Social Serv., 366 N.W.2d 555, 558 (Iowa 1985).

We believe that the decision of the administrative agency, and affirmed by the district court, is supported by substantial evidence. In order to disqualify a person from unemployment benefits, it must be established that the claimant was terminated for misconduct. See Iowa Code § 96.5(2) (1987). The Iowa Administrative Code defines "misconduct" as:

> [A] deliberate act or omission by a worker which constitutes a material breach of the duties and obligations arising out of such worker's contract of employment. Misconduct as the term is used in the disqualification provision as being limited to conduct evincing such willful or wanton disregard of an employer's interest as is found in deliberate violation or disregard of standards of behavior which the employer has the right to expect of employees, or in carelessness or negligence of such degree of recurrence as to manifest equal culpability, wrongful intent or evil design, or to show an intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to the employer. On the other hand mere inefficiency, unsatisfactory conduct, failure in good performance as the result of inability or incapacity, inadvertencies or ordinary negligence in isolated instances or good faith errors in judgment or discretion are not to be deemed misconduct within the meaning of the statute.

345 Iowa Admin. Code § 4.32(1).

On April 11, 1985, both Martin's and Wells' time cards were punched in at 4:26 p.m. The employer saw Wells report to work at 5:00 p.m. On April 12, 1985, both Martin's and Wells' time cards were punched in at 4:08 p.m. Wells arrived at work that day at 5:30 p.m. Martin stated that he told the employer's brother that he accidentally punched in Wells' card on April 12. The employer's brother denies such a conversation taking place. The Appeal Board assessed

the credibility of Martin and found his version of the events to be unreliable. While a contrary inference may be drawn from the facts in this case, the possibility of drawing two inconsistent conclusions from the evidence does not prevent the Appeal Board's findings from being supported by substantial evidence. See Meads, 366 N W 2d at 558 We conclude that there is substantial evidence to support the Appeal Board's finding that Martin committed willful, disqualifiable misconduct by falsifying a coemployee's time record Accordingly, we affirm the decision of the district court affirming the Board's ruling

AFFIRMED