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IN THE COURT OF APPEALS OF IOWA

No. 3-147 / 92-1302

TIMOTHY D. STOEVER,

Appellant,

vs.

LEE HOLT MOTORS and UNIVERSAL UNDERWRITERS INSURANCE COMPANY,

Appellees.

Appeal from the Iowa District Court for Clay County, Charles H. Barlow, Judge.

Timothy D. Stoever, a workers' compensation claimant, appeals a district court's ruling affirming the industrial commissioner. **AFFIRMED.**

Dick H. Montgomery of Montgomery, Barry & Bovee, Spencer, for appellant.

Judith Ann Higgs and Thomas M. Plaza of Eidsmoe, Heidman, Redmond, Fredregill, Patterson & Schatz, Sioux City, for appellee.

Heard by Schlegel, P.J., and Hayden and Habhab, JJ. Sackett, J. takes no part.

HAYDEN, J.

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Claimant, Timothy D. Stoever, appeals from a district court judgment upholding the industrial commissioner's review decision denying him workers' compensation benefits. We affirm.

Stoever is employed by Lee Holt Motors (Holt) as a mechanic. On February 18, 1986, Stoever was going out to the dumpster at work when he slipped on some ice. Stoever's right knee twisted, he felt a pop, and he was unable to straighten his knee. Prior to this fall, Stoever had no problems with his knee. Thereafter, Stoever saw William Follows, an orthopedic surgeon. Dr. Follows performed an arthroscope on Stoever's right knee. Dr. Follows saw Stoever until April of 1986 at which time Stoever was released from his care. Dr. Follows wrote Holt's insurance carrier and advised them Stoever had no functional disability as a result of the procedure.

In 1987 Stoever indicated to his family physician, Dr. Jeff Peterson, he was having continuing problems with his right knee. Stoever was subsequently referred to Dr. Pechacek. On January 30, 1987, Stoever underwent a second arthroscopic surgery on his right knee. In June 1987 Dr. Pechacek advised Holt's insurance carrier he was assigning a five-percent functional impairment rating to Stoever's knee. The impairment rating was based primarily on Stoever's range of motion in the joint. Dr. Pechacek released Stoever from his care to return as needed.

Stoever sought no further treatment for his knee. Holt paid workers' compensation benefits for the 1986 injury.

On December 26, 1989, Stoever was walking in his garage when his knee hyperextended, and he collapsed to the floor. Stoever's right knee was x-rayed, and there was no evidence of fracture or dislocation. The next day Stoever saw Dr. Wilkerson, an orthopedic surgeon who performed an arthroscopy on January 2, 1990, and March 28, 1990. Dr. Wilkerson released Stoever on May 30, 1990. Dr. Wilkerson assigned a functional impairment rating of nineteen percent to Stoever's right knee with four percent attributable to a ten-percent loss of flexion and fifteen percent for arthritis.

On March 15, 1990, Stoever filed an original notice and petition with the industrial commissioner seeking workers' compensation benefits. Stoever argued the two surgeries and disability following the 1989 incident were causally connected to the work-related injury which occurred in 1986. An arbitration hearing was held on January 16, 1991. At the hearing, Holt presented the expert medical opinion of Dr. Wirtz. Dr. Wirtz opined Stoever's injury in 1986 was at such a distance from the surgery in 1990 the injury did not cause the falling incident in 1989. Dr. Wirtz did not examine Stoever but relied upon medical records.

The deputy industrial commissioner filed a proposed decision finding Stoever failed to prove a causal

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connection between the injury of 1986 and the injury of 1989. The deputy found the greater weight of the evidence showed both Dr. Pechacek and Dr. Wirtz concluded Stoever had certain anatomic anomalies that would lead to problems such as chronic recurrent instability and arthritis. The deputy found Dr. Wilkerson was the only physician who concluded Stoever had recurrent dislocations due to the work injury rather than his bone and muscle structure and a natural degeneration of the knee joint. The deputy found Dr. Pechacek's opinion no patellar dislocation existed at the time of his 1986 injury tipped the scale against Stoever.

Stoever appealed. The industrial commissioner affirmed the deputy's decision and adopted it as the final agency decision in the case.

Stoever filed a petition for judicial review. The district court filed a ruling affirming the industrial commissioner. The district court found substantial evidence in the record supported the agency's decision on the issue of causation. The district court rejected Stoever's claim he was entitled to benefits because his original condition was aggravated, noting the 1989 injury occurred at home, not at work. Stoever has appealed.

The issue is whether the industrial commissioner's decision is supported by substantial evidence, not whether a different decision could be supported by the evidence. Gallardo v. Firestone Tire & Rubber Co., 482 N.W.2d 393,

395 (Iowa 1992) (citing Gosek v. Garmer & Stiles Co., 158 N.W.2d 731, 732 (Iowa 1968)). The commissioner's findings are binding on us if supported by substantial evidence. Langford v. Kellar Excavating & Grading, Inc., 191 N.W.2d 667, 668 (Iowa 1971). Evidence is substantial if a reasonable person would find it adequate to reach a conclusion. Id. (citing Armstrong v. State of Iowa Bldgs. & Grounds, 382 N.W.2d 161, 166 (Iowa 1986)). The possibility of drawing two inconsistent conclusions from the same body of evidence does not prevent an administrative agency finding from being supported by substantial evidence. Oscar Mayer Foods Corp. v. Tasler, 483 N.W.2d 824, 830 (Iowa 1992); Varied Enters., Inc. v. Sumner, 353 N.W.2d 407, 409 (Iowa 1984) (citation omitted); Iowa Code § 17A.19(8)(f) (1991).

Stoever contends the district court erred in finding the commissioner's decision was supported by substantial evidence. He argues there is a causal connection between his work-related injury of February 18, 1986, and the injury he suffered on December 26, 1989. Claimant bears the burden to prove an employment incident or activity was the proximate cause of the health impairment upon which he bases his claim. Anderson v. Oscar Mayer & Co., 217 N.W.2d 531, 535 (Iowa 1974).

Determining whether an injury has a direct causal connection with employment is essentially within the domain of expert testimony, and the weight to be given to such an

opinion is for the finder of fact. Musselman v. Central Telephone Co., 261 Iowa 352, 360, 154 N.W.2d 128, 133 (1967).

Three doctors opined as to whether the incident of December 26, 1989, was causally connected to the injury that occurred on February 18, 1986. Two of the three doctors, Dr. Wirtz and Dr. Pechacek, concluded Stoever had certain anatomic anomalies that could cause the problem he experienced in December 1989. Their opinions support a conclusion the injury suffered by Stoever on December 26, 1989, was not a direct and natural consequence of the injury suffered on February 18, 1986. Dr. Wirtz reviewed documents, post-operative reports, and x-rays, including Dr. Follows' reports of February 18 and 19, 1986, two of Dr. Pechacek's reports, and two of Dr. Wilkerson's reports. Dr. Pechacek relied on his own records and knowledge of Stoever from 1987 and earlier and an operative report from the surgery conducted on January 2, 1990. Dr. Wilkerson was the only physician to conclude claimant had recurrent dislocations due to the 1986 work injury rather than bone and muscle structure and a natural degeneration of the knee joint.

The commissioner was not compelled to accept the opinion of any testifying medical expert. Id. at 360, 154 N.W.2d at 132. The fair inferences to be drawn from all the medical testimony, the histories related by claimant to the various doctors, and other evidence surrounding the

alleged injury may well support a finding Stoever's knee condition arose independently of any work-related incident. Id.

In addition to the two expert opinions, other evidence supports the commissioner's findings. Dr. Peterson performed a complete physical of claimant on July 31, 1987. At that time claimant had no complaints about his right knee. There are no other medical records indicating Stoever had any complaints about his knee until December 1989, which was two and one-half years after his physical. Stoever did not seek any medical care for his knee until December 26, 1989, which was the date on which he collapsed in his garage.

The commissioner was free to accept the views of the medical experts, and such views constitute substantial evidence in the record considered as a whole to support the commissioner's findings.

We conclude Stoever has failed to prove a causal connection between his injury of December 26, 1989, and his work-related injury of 1986. We determine the commissioner's findings are supported by substantial evidence and we have no alternative but to uphold the district court's judgment. Accordingly, we affirm the denial of workers' compensation benefits to Stoever with regard to the 1989 injury.

The costs of this appeal are taxed to Stoever.

AFFIRMED.