FILED
JUN 04 1986
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

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MARJORIE L. BARTA,

Petitioner-Appellant,

vs

LITTLE GIANT CRANE & SHOVEL,

Respondent-Employer-Appellee,

and

UNITED STATES FIDELITY AND GUARANTEE COMPANY,

Respondent-Insurance Carrier-Appellee.

Filed June 4, 1986

6-69
85-610

Appeal from the Iowa District Court for Marshall County, Carl E. Peterson, Judge

Petitioner appeals the district court's affirmance of the industrial commissioner decision denying her additional benefits for an injury which occurred in 1973 **AFFIRMED.**

Donald G. Juhl, Nevada, for petitioner-appellant.

Henry A. Harmon and Iris J. Post of Grefe and Sidney, Des Moines, for respondents-appellees.

Heard by Oxberger, C.J., Donielson, and Hayden, JJ.

OXBERGER, C.J.

Petitioner appeals from the district court's affirmance of the Industrial Commissioner's decision denying her additional benefits. We affirm.

Our scope of review in this case requires affirmance unless we find, on reviewing the facts, that the lower court decision is unsupported by substantial evidence. Iowa Code § 17A.19(8)(f). New Homestead v. Iowa Department of Job Service, 322 N.W.2d 269, 270 (Iowa 1982). The Industrial Commissioner's findings in a worker's compensation case have the effect of a jury verdict and will be broadly applied to uphold the decision. Beier Glass Co. v. Brundige, 329 N.W.2d 280, 282 (Iowa 1983). Evidence is substantial when reasonable minds would accept it as sufficient to support the conclusions drawn. King v. Iowa Civil Rights Commission, 334 N.W.2d 598, 602 (Iowa 1983).

The Commissioner, in reviewing this case, found that the employee (Barta) exacerbated previously existing symptoms in a work-related accident and that the symptoms caused by the work-related injury diminished in twenty months. The Commissioner further found that the symptoms on which Barta bases her claim were causally connected to an injury she sustained in a 1971 car accident rather than from the work-related incident. We find that the appeal decision of the Commissioner is supported by substantial evidence.

It is undisputed that Barta was injured in a rear-end collision in 1971 prior to her work-related injury. The record demonstrates that her physician after the collision believed Barta would need back surgery at some point. A physician treating Barta following the work-related injury recommended that she undergo back surgery similar to that recommended following the collision. Also in the record is evidence that Barta continued to suffer severe headaches and pain resulting from her collision-related injury as late as April 1973, five months

before her work-related injury. Barta testified that she took the job with Little Giant although she was "hurting all the time." The record also contains Barta's admission that she suffered headaches, pain in her eyes, and pain down through her spine, her shoulders and down her arm while she worked for Little Giant prior to the work injury as she had while running a tavern after the 1971 car injury. Reliable evidence in the record indicates Barta's present disability is the result of fibromyositis or osteoarthritis and not her work-related injury.

Contrary to the petitioner's assertions that the Industrial Commissioner's decision totally ignores the testimony of the claimant and bases its findings on a few comments made by the claimant during a deposition in an "unrelated automobile accident," the record is replete with both testimony of the employee, and medical reports and records, that show that the Industrial Commissioner's decision is supported by substantial evidence.

AFFIRMED.