

IN THE COURT OF APPEALS OF IOWA

No. 0-140 / 09-1607
Filed March 24, 2010

D.H. BLATTNER & SONS, INC.,
Petitioner-Appellant,

vs.

VICTORIA J. VETTER and
EMPLOYMENT APPEAL BOARD,
Respondents-Appellees.

Appeal from the Iowa District Court for Polk County, Donna L. Paulsen,
Judge.

D.H. Blattner & Sons, Inc., appeals from the district court's decision affirming the Employment Appeal Board's decision granting unemployment insurance benefits. **AFFIRMED.**

James W. Bryan of Grefe & Sidney, P.L.C., Des Moines, for appellant.

Richard Autry, Des Moines, for appellee Employment Appeal Board.

Victoria Vetter, Uehling, Nebraska, appellee pro se.

Considered by Vogel, P.J., Eisenhauer, J., and Miller, S.J.*

*Senior judge assigned by order pursuant to Iowa Code section 602.9206 (2009).

MILLER, S.J.

D.H. Blattner & Sons, Inc., appeals from the district court's decision affirming the Employment Appeal Board's decision granting unemployment insurance benefits to Victoria Vetter. The sole issue before us is whether substantial evidence exists by which the board could determine Victoria Vetter was discharged from her employment for a reason that would not disqualify her from receiving such benefits. Because we find there is substantial evidence to support the board's finding, we affirm.

"On appeal from judgment entered on judicial review of agency action, our review is limited to the correction of errors at law." *Gaffney v. Dep't of Employment Serv.*, 540 N.W.2d 430, 433 (Iowa 1995). "If the claim of error lies with the agency's findings of fact, the proper question on review is whether substantial evidence supports those findings of fact" when the record is viewed as a whole. *Meyer v. IBP, Inc.*, 710 N.W.2d 213, 219 (Iowa 2006). We are bound by the agency's fact findings that are supported by substantial evidence in the record. *Gaffney*, 540 N.W.2d at 433. Evidence is substantial when a reasonable person could accept it as adequate to reach the same findings. *Asmus v. Waterloo Cmty. Sch. Dist.*, 722 N.W.2d 653, 657 (Iowa 2006). The question is not whether we agree with the agency's findings, but whether there is substantial evidence in the record to support the findings made by the agency. *Meyer*, 710 N.W.2d at 218.

At the hearing on unemployment benefits, Vetter testified she was discharged from her employment with Blattner & Sons after complaining about

the conduct of her supervisors. Witnesses for the petitioner testified Vetter was not discharged, but voluntarily quit her employment. On appeal, the petitioner argues Vetter's testimony was uncorroborated and lacked credibility. The weight of the evidence and credibility of the witnesses are matters squarely within the agency's exclusive domain. *Arndt v. City of Le Claire*, 728 N.W.2d 389, 394-95 (Iowa 2007). Here, the board adopted the administrative law judge's finding that Vetter's version of events was more credible than that of her employer. Giving the same weight to the evidence as was accorded by the agency, we conclude substantial evidence supports its finding Vetter was discharged from her employment for no disqualifying reason. See *id.* ("The reviewing court only determines whether substantial evidence supports a finding *according 'to those witnesses whom the [commissioner] believed.'*"). Accordingly, we affirm the district court order affirming the board's grant of unemployment insurance benefits.

AFFIRMED.