

**IN THE SUPREME COURT OF IOWA**

No. 07-1224

Filed February 27, 2009

**JOHN McGOWAN,**

Appellant,

vs.

**BRANDT CONSTRUCTION CO.**  
and **ALLIED INSURANCE CO.,**

Appellees.

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Appeal from the Iowa District Court for Hardin County, Dale E. Ruigh, Judge.

Workers' compensation claimant appeals dismissal of his petition for alternate care. **AFFIRMED.**

Dennis Currell of Currell Law Office, Cedar Rapids, for appellant.

Richard G. Book of Huber, Book, Cortese, Happe & Lanz, P.L.C., West Des Moines, for appellees.

**PER CURIAM.**

In this case, an employee seeks judicial review of the dismissal of his petition for alternate care by the Workers' Compensation Commissioner. The employee asserts that this dismissal violated his right to due process and was contrary to the doctrine of judicial estoppel. The district court affirmed the dismissal on the ground that the administrative record had not been transferred to and filed with the district court.

There is no dispute that the agency record was not transferred to the district court. Without transfer of the administrative record, the district court has nothing to review. *Alvarez v. IBP, Inc.*, 696 N.W.2d 1, 3 (Iowa 2005). As a result, the district court properly affirmed the commissioner's dismissal. *Id.* at 4.

**AFFIRMED.**

This opinion is not to be published.