

**IN THE COURT OF APPEALS OF IOWA**

No. 1-223 / 10-1614  
Filed June 15, 2011

**SWINE GRAPHICS ENTERPRISES,  
L.P., and ALLIED INSURANCE CO.,**  
Petitioners-Appellants,

**vs.**

**GERYLE PETERSON,**  
Respondent-Appellee.

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Appeal from the Iowa District Court for Polk County, Robert A. Hutchison,  
Judge.

Swine Graphics Enterprises, L.P., and its insurance carrier, Allied  
Insurance Co., appeal from the district court's ruling on judicial review affirming  
the workers' compensation commissioner's decision. **AFFIRMED.**

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

Jerry Jackson of Moranville & Jackson, P.C., West Des Moines, for  
appellee.

Considered by Vogel, P.J., and Doyle and Tabor, JJ.

**VOGEL, P.J.**

We are called upon by the employer, Swine Graphics Enterprises, L.P., and its insurance carrier, Allied Insurance Co., to find substantial evidence did not support the workers' compensation commissioner's decision, finding Geryle Peterson's injury was work related, and rendering him totally disabled.

"We review the district court decision by applying the standards of the [Iowa] Administrative Procedure Act to the agency action to determine if our conclusions are the same reached by the district court." *Locate.Plus.Com, Inc. v. Iowa Dep't of Transp.*, 650 N.W.2d 609, 612 (Iowa 2002). Our scope of review is severely limited by both by statute and case law. See Iowa Code section 17A.19(10)(f); *Holstein Elec. v. Breyfogle*, 756 N.W.2d 812, 815, (Iowa 2008) (noting the "substantial evidence" standard affords appropriate deference to the agency). We are not given the discretion to reweigh the evidence in an agency action, even if we would have come to a different conclusion had we been the finder of fact in the first instance. *Arndt v. City of Le Claire*, 728 N.W.2d 389,393 (Iowa 2007); *Fischer v. City of Sioux City*, 695 N.W.2d 31, 33–34 (Iowa 2005). Rather, we will affirm when the record, viewed as a whole supports the finding actually made. *Swiss Colony, Inc. v. Deutmeyer*, 789 N.W.2d 129, 134 (Iowa 2010).

We have reviewed the agency decision, and find it is supported by substantial evidence. While Swine Graphics points to weaknesses in the evidence, we cannot say the record lacks "substantial evidence" to support the

agency decision. Upon review of the district court's decision and utilizing Iowa Court Rule 21.29(1)(b),(c),(d), and (e), we affirm.

**AFFIRMED.**