

IN THE COURT OF APPEALS OF IOWA

No. 2-1009 / 12-0592
Filed February 13, 2013

PELLA CORPORATION,
Petitioner-Appellant,

vs.

DIANA WINN,
Respondent-Appellee.

Appeal from the Iowa District Court for Polk County, Arthur E. Gamble,
Judge.

An employer appeals the district court's ruling on judicial review affirming
the decision of the workers' compensation commissioner. **AFFIRMED.**

David J. Jenkins of Bradshaw, Fowler, Proctor & Fairgrave, P.C., Des
Moines, for appellant.

Fredd J. Haas of Fredd J. Haas Law Offices, P.C., Des Moines, for
appellee.

Considered by Doyle, P.J., and Mullins and Bower, JJ.

MULLINS, J.

Pella Corporation appeals the district court's judicial review ruling, which affirmed the decision of the workers' compensation commissioner awarding benefits to Diana Winn. Pella claims the agency's decision must be reversed because it does not contain properly stated findings of fact and conclusions; improperly evaluates Winn's credibility and the experts' opinions; and is unreasonable, arbitrary, and capricious. Pella also claims the agency failed to consider the uncontroverted opinion of Dr. Neff.

The district court rejected these claims in a thorough and well-reasoned decision. It concluded Winn's description of her fall from a flatbed trailer, while improbable, was not so outrageous as to be unbelievable. It found the agency was entitled to find Winn's testimony credible, especially in light of the supporting medical evidence. It also found the agency acted properly in rejecting the opinions of Dr. Neff. There were three other physicians who offered causation opinions, though they did not address the specific issue of tendon retraction. The district court found that because a reasonable fact-finder could reject Dr. Neff's opinions and Pella's theory that the shoulder injury occurred prior to the incident in question, the agency did not abuse its discretion, and the agency's decision is supported by substantial evidence.

Having reviewed the evidence, the agency's decision, and the parties' briefs, we affirm the district court's decision pursuant to Iowa Court Rule 21.29(1)(b) and (d).

AFFIRMED.