

IN THE COURT OF APPEALS OF IOWA

No. 2-581 / 12-0065
Filed September 19, 2012

FAYE ELLEN HOEFT,
Petitioner-Appellant,

vs.

**FLEETGUARD, INC., and
TRAVELERS INSURANCE COMPANY,**
Respondents-Appellees.

Appeal from the Iowa District Court for Worth County, Stephen P. Carroll,
Judge.

Faye Hoeft appeals from the district court's denial of review-reopening of
her workers' compensation claim. **AFFIRMED.**

Mark S. Soldat of Soldat & Parrish-Sams, P.L.C., West Des Moines, for
appellant.

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

Considered by Eisenhauer, C.J., and Potterfield and Mullins, JJ.

POTTERFIELD, J.

This case comes to us for the second time on Faye Hoeft's appeal from the district court's rulings on judicial review of the agency decision denying Faye Hoeft's review-reopening petition. The commissioner found in 2005 that, while the claimant proved an unanticipated deterioration in her medical condition, she failed to prove the deterioration was proximately caused by her original work injury in 1998. The district court first ruled in 2007 that the commissioner decided an issue not raised by the parties and that the commissioner's conclusions were not supported by a reasoned opinion. This court reversed the district court's findings on the procedural issues in 2009 and remanded to the district court for a ruling on the merits. *Hoeft v. Fleetguard, Inc.*, No. 07-0551, 2009 WL 1677429 (Iowa Ct. App. June 17, 2009).

On remand, the district court reviewed the record and briefs submitted by the parties in 2011. The court's ruling thoroughly described the facts, the agency actions, and the claims of the parties. The court analyzed the medical evidence and concluded that the commissioner's decision was supported by substantial evidence in the record when viewed as a whole. Claimant appeals, arguing the commissioner's decision is not supported by substantial evidence, that trial costs were improperly taxed against Hoeft, and requesting appellate costs be taxed against Fleetguard, Inc. and Travelers.

"In reviewing district court decisions regarding the validity of agency actions, we only look to whether the district court has correctly applied the law." *Miedema v. Dial Corp.*, 551 N.W.2d 309, 310 (Iowa 1996). We may reverse only if the workers' compensation commissioner's decision is unsupported by

substantial evidence or characterized by abuse of discretion. *Univ. of Iowa Hosp. & Clinics v. Waters*, 674 N.W.2d 92, 95 (Iowa 2004). Evidence is not insubstantial merely because it could support a contrary inference. *Id.*

We agree with the district court's well-reasoned analysis and conclusions and find any further discussion is unnecessary as the issues were thoroughly discussed and resolved by the well-written district court opinion. We affirm without opinion pursuant to Iowa Rule of Appellate Procedure 6.1203(a), (c), and (d).

Because Hoeft's appeal was not successful, we do not disturb the district court's taxation of costs. *Robbennolt v. Snap-On Tools Corp.*, 555 N.W.2d 229, 238 (Iowa 1996) (stating we review taxation of costs for abuse of discretion, considering the success of the applicant). Further, we assess all costs against Hoeft on appeal and deny her request for appellate attorney fees. *Solland v. Second Injury Fund of Iowa*, 786 N.W.2d 248, 250 (Iowa 2010).

AFFIRMED.