

IN THE COURT OF APPEALS OF IOWA

No. 3-267 / 12-1506
Filed July 24, 2013

ROBIN LYNN,
Petitioner-Appellee,

vs.

PELLA CORPORATION,
Respondent-Appellant.

Appeal from the Iowa District Court for Pottawattamie County, James Richardson, Judge.

Pella Corporation appeals from the judicial review order reversing the denial of Robin Lynn's workers' compensation petition and remanding to the agency. **REVERSED.**

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

Jacob J. Peters of Peters Law Firm, PC, Council Bluffs, for appellee.

Heard by Vogel, P.J., and Vaitheswaran and Bower, JJ.

BOWER, J.

After Robin Lynn's worker's compensation petition was denied, she petitioned the district court for judicial review. The court found the agency erroneously applied the law regarding requests for admission and remanded the case for further proceedings. The question on appeal is whether the district court properly interpreted Iowa Rule of Civil Procedure 1.510 when it concluded Pella Corporation's objection to the requests as untimely, without further admitting or denying the requests, was deemed an admission under the rule.

We find rule 1.510 only requires an objecting party to state its reason for objection to a request for admission and nothing more. The district court erred in finding Pella Corporation was also required to admit or deny the requests. Accordingly, we reverse the order of the district court reversing the agency decision and remanding for further proceedings.

I. Background Facts and Proceedings.

Robin Lynn (Lynn) was an employee of Pella Corporation from November 1999 until June 13, 2007. Lynn suffered a work-related injury to her lower back in December 2000, which resulted in a thirty-five percent industrial disability award. She returned to work with restrictions.

Lynn alleges she suffered an injury to her neck in May of 2007 after being moved to the casement area of an assembly line, a position more physically demanding than the prior position. Lynn complained to her employer about pain she felt in her neck, upper back, and both shoulders. Lynn was then returned to her former position. After an investigation, Pella Corporation determined Lynn

intentionally slowed down the assembly line while working in the casement area. As a result, she was suspended on June 11, 2007, and terminated on June 13, 2007.

On April 27, 2009, Lynn filed a workers' compensation petition. She served requests for admission on Pella Corporation on February 16, 2010. Included were requests that Pella Corporation admit Lynn suffered an injury arising out of and in the course of her employment during the week of May 21, 2007. Pella Corporation filed a response and objection to the requests for admission, which stated:

Pella objects to Claimant's Requests for Admission, and each of the twelve individual requests stated therein, for the reason that the Requests for Admission was served less than sixty days before the hearing scheduled on April 7, 2010, and is thus untimely served under the provisions of the Hearing Assignment Order filed August 28, 2009.

It did not admit or deny any of the requests.

The workers' compensation hearing was held on April 7, 2010. In her post-hearing briefs to the deputy workers' compensation commissioner, Lynn raised the issue of whether Pella Corporation properly answered the requests for admission. In the July 29, 2010 arbitration decision, the deputy commissioner found Pella Corporation's objection to the requests for admission was sufficient and held "the requested admissions are not deemed admitted." The deputy commissioner went on to conclude that Lynn failed to establish she suffered an injury arising out of or in the course of her employment in May of 2007, finding Lynn was not a credible witness.

Lynn appealed the arbitration decision to the Iowa Workers' Compensation Commissioner. On October 4, 2011, the commissioner affirmed the arbitration decision, finding in pertinent part:

Claimant has failed to provide support for her contention that defendant has admitted her injury by objecting to, but not answering a late-served request for admission. Claimant has ignored her obligation under Iowa R. Civ. P. 1.510(3) wherein the party who has requested the admission may move to determine the sufficiency of the answers or objections. Rather, claimant seeks to simply deem the objection made by defendant as an admission instead of filing a motion with the agency as envisioned by the applicable subsection of the rule of procedure. It is therefore concluded that the presiding deputy did not err in failing to find that defendant had admitted that claimant's injury arose out of and in the course of her employment.

On October 21, 2011, Lynn filed a petition for judicial review. In its May 17, 2012 ruling, the district court found that because Pella Corporation failed to deny or state why it could not respond to the requests for admission within thirty days, the requests were deemed admitted. The court concluded that the agency erred in placing the burden upon Lynn to have the agency determine the sufficiency of Pella Corporation's objection; rather, it found Pella Corporation was required to obtain a ruling on its objection from the agency within thirty days of the requests for admission being served. Because it found the agency erroneously applied rule 1.510, the court remanded the case to the agency for further proceedings.

Pella Corporation filed a motion to enlarge the court's findings and conclusions pursuant to Iowa Rule of Civil Procedure 1.904(2). Following a July 16, 2012 hearing, the district court denied Pella's motion. Pella Corporation timely appealed.

II. Scope and Standard of Review.

Judicial review of the workers' compensation commissioner's decision is governed by Iowa Code chapter 17A (2011). *Neal v. Annett Holdings, Inc.*, 814 N.W.2d 512, 518 (Iowa 2012). In reviewing the district court's decision on judicial review, we apply the standards of chapter 17A to determine whether we reach the same conclusions as the district court. *Id.* If so, we affirm; otherwise, we reverse. *Id.*

We defer to the agency's interpretation of a statute where the legislature has clearly vested the agency with the authority to interpret a statute. *Westling v. Hormel Foods Corp.*, 810 N.W.2d 247, 251 (Iowa 2012). However, here the agency has not been clearly vested with such authority; therefore, we review this question of statutory interpretation for correction of errors at law. *See id.*

III. Analysis.

The question we are asked to decide on appeal is one of first impression: whether a party objecting to a requests for admission must also answer the request within thirty days or have it be deemed admitted. We find that under Iowa Rule of Civil Procedure 1.510, a party who objects to a request for admission need only state the reasons for the objection.

Iowa Rule of Civil Procedure 1.510 allows a party to serve upon any other party written requests for admission of the truth of any discoverable matter. The other party then has thirty days in which to serve "a written answer or objection addressed to the matter." Iowa R. Civ. P. 1.510(2). If the party fails to do so, the matter is deemed admitted. *Id.* The rule further states:

If objection is made, the reasons therefor shall be stated. The answer shall specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify the party's answer or deny only a part of the matter of which an admission is requested, the party shall specify so much of it as is true and qualify or deny the remainder.

Id. Finally, the rule provides a mechanism for determining the sufficiency of responses to requests for admission.

The party who has requested the admission may move to determine the sufficiency of the answers or objections. Unless the court determines that an objection is justified, it shall order that an answer be served. If the court determines that an answer does not comply with the requirements of this rule, it may order either that the matter is admitted or that an amended answer be served.

Iowa R. Civ. P. 1.510(3).

The district court found Pella Corporation “failed to deny or state a reason why it could not respond” to the requests for admission within thirty days. The court interpreted rule 1.510 to require a request for admission be answered within thirty days or deemed admitted, and that any objection “should be heard by the fact finder within 30 days or the objecting party must obtain relief by order or stipulation to a late response.” Because Pella Corporation failed to do so, the court found the requests for admission were deemed admitted.

We find no authority to support the district court's interpretation of rule 1.510. The plain language of the rule requires a party to whom the request is directed serve upon the requesting party “a written answer *or* objection.” Iowa R. Civ. P. 1.510(2) (emphasis added). While we will construe disjunctive words as conjunctive when the context so dictates, the word “or”—as a disjunctive—is

typically meant to distinguish between two separate things. See *Reiter v. Sonotone Corp.*, 442 U.S. 330, 339 (1979) (“Canons of construction ordinarily suggest that terms connected by a disjunctive be given separate meanings, unless the context dictates otherwise”); *In re Detention of Altman*, 723 N.W.2d 181, 187 (Iowa 2006) (“It is a well-known rule of statutory construction that the courts will construe disjunctive words as conjunctive, and vice versa, and will disregard technical rules of grammar and punctuation, when necessary to arrive at the intent of the legislative body.”). Here, the use of the term “or” in the rule indicates a choice between two actions: answering or stating an objection. We conclude the rule does not require both.

If an objection is made, rule 1.510(2) requires a party to state its reasons for the objection. *Id.* If a party answers, the rule requires it “specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter.” *Id.* Pella Corporation objected to the requests for admission on the basis of timeliness. In doing so, Pella Corporation met the requirements of rule 1.510.

We also find the district court erred in holding that an objection to a requests for admission should be heard within the thirty-day response period unless the objecting party obtains relief by order or stipulation to a late response. While rule 1.510(3) allows the party requesting the admission to move for a determination of the sufficiency of the objection, Lynn failed to do so and, therefore, the objection stands. Nothing in the rule requires the objecting party to do more than state the reason for the objection. Pella Corporation stated its

reason for the objection, and Lynn did not seek a ruling from the agency determining the sufficiency of that objection. Had Lynn done so, and the agency had determined Pella Corporation's objection was not justified, the agency would then order that an answer be served. See Iowa R. Civ. P. 1.510(3) ("Unless the court determines that an objection is justified, it shall order that an answer be served."). The fact that rule 1.510(3) states a party shall be ordered to serve an answer if its objection is not justified further indicates that an answer is not required in addition to an objection.

We find the district court erred in interpreting rule 1.510. Accordingly, we reverse the district court order granting Lynn's petition for judicial review and remanding the case to the agency.

REVERSED.