

IN THE COURT OF APPEALS OF IOWA

No. 8-278 / 07-1315
Filed May 29, 2008

RYAN JON BIERLE,
Petitioner-Appellant,

vs.

IOWA DEPARTMENT OF TRANSPORTATION,
Respondent-Appellee.

Appeal from the Iowa District Court for Scott County, James H. Carter,
Judge.

The petitioner appeals from the judicial review upholding the Iowa
Department of Transportation's revocation of his driver's license for chemical test
failure. **AFFIRMED.**

J.E. Tobey, Davenport, for appellant.

Noel Hindt, Iowa Department of Transportation, Ames, for appellee.

Considered by Sackett, C.J., and Vogel and Zimmer, JJ.

VOGEL, J.

Ryan Bierle appeals from the district court's ruling upholding the Iowa Department of Transportation's (DOT) revocation of his driver's license pursuant to Iowa Code section 321J.12 (2005) on the basis of chemical test failure. On appeal, Bierle asserts there was not substantial evidence to show he was operating a vehicle for purposes of the implied consent law. We review for correction of errors at law and "will uphold the agency's action if supported by substantial evidence in the record made before the agency when that record is viewed as a whole." *Pointer v. Iowa Dept. of Transp.*, 546 N.W.2d 623, 625 (Iowa 1996) (citations omitted). We agree with the district court that substantial evidence supported the DOT's finding "that the deputy sheriff invoking the implied consent procedure had reasonable grounds to believe that [Bierle] was the driver of the vehicle at the time of the accident." Therefore, we affirm pursuant to Iowa Court Rule 21.29(1)(b), (c), (d), and (e).

AFFIRMED.