

IN THE COURT OF APPEALS OF IOWA

No. 8-794 / 08-0431
Filed October 1, 2008

STEVE WERNETT,
Petitioner-Appellant,

vs.

**WASTE MANAGEMENT OF IOWA
and ACE USA,**
Respondents-Appellees.

Appeal from the Iowa District Court for Linn County, William L. Thomas,
Judge.

Workers' compensation claimant appeals from the judicial review ruling
affirming the commissioner's denial of benefits for a shoulder injury. **AFFIRMED.**

Gerald J. Kucera of Tom Riley Law Firm, P.L.C., Cedar Rapids, for
appellant.

Coreen K. Sweeney of Nymaster, Goode, West, Hansell & O'Brien, P.C.,
Des Moines, for appellees.

Considered by Huitink, P.J., and Vogel and Eisenhauer, JJ.

PER CURIAM

Steve Wernett was denied additional workers' compensation benefits because the commissioner concluded Wernett had not proven his shoulder injury arose out of and in the course of his employment. On Wernett's petition for judicial review, the district court affirmed. Wernett now appeals from the judicial review ruling contending the commissioner's decision was not supported by substantial evidence. We affirm.

Our review is governed by the Iowa Administrative Procedure Act, Iowa Code chapter 17A (2007). We may grant relief from the commissioner's decision if a party's substantial rights have been prejudiced and the decision is "not supported by substantial evidence in the record before the court when that record is viewed as a whole." Iowa Code § 17A.19(10)(f). "Where reasonable minds may differ on the inferences to be drawn from the proven facts and circumstances, the findings of the commissioner in such matters are conclusive." *Bousfield v. Sisters of Mercy*, 249 Iowa 64, 68, 86 N.W.2d 109, 112 (1957).

We have reviewed the record and conclude the commissioner's decision is supported by substantial evidence. Contrary to Wernett's claim, we find the medical record made by his treating physician that Wernett's shoulder injury was not work-related, and the absence of pain on or immediately following the injury date, provide more than adequate support for the commissioner's decision. We therefore affirm.

AFFIRMED.