

**IN THE COURT OF APPEALS OF IOWA**

No. 8-896 / 08-0816  
Filed February 4, 2009

**DONALDSON COMPANY,**  
Employer/Petitioner-Appellant,

**vs.**

**PATRICIA BANKS,**  
Claimant/Respondent-Appellee.

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Appeal from the Iowa District Court for Polk County, Joel D. Novak, Judge.

An employer appeals from the district court's ruling on judicial review, affirming the award of workers' compensation benefits to its former employee.

**AFFIRMED.**

Timothy Wegman of Peddicord, Wharton, Spencer & Hook, LLP, Des Moines, for appellant.

Matthew Petrzelka of Petrzelka & Breitbach, PLC, Cedar Rapids, for appellee.

Considered by Vogel, P.J., and Mahan and Miller, JJ.

**VOGEL, P.J.**

Patricia Banks filed a workers' compensation claim asserting that while working for Donaldson Company she sustained an injury due to exposure to a chemical containing isocyanate. After cleaning up a chemical spill at work, Banks experienced various symptoms, including difficulty breathing, heaviness in her chest, nausea, as well as back and chest pains. A physician at the University of Iowa College of Medicine, pulmonary division, concluded that she suffered from isocyanate exposure, leaving her sensitized and therefore more susceptible to a severe asthma attack upon re-exposure. Donaldson Company was unable to find a position that would isolate her from further isocyanate exposure, forcing her to seek other employment. Due to her limited educational background, and inability to seek another factory job, Banks obtained a job as a debt collector, at a lower pay level.<sup>1</sup>

In the arbitration decision, the deputy commissioner found that Banks suffered a forty percent industrial disability due to her loss of earning capacity, and was entitled to 200 weeks of permanent partial disability benefits and reasonable medical expenses. Upon Donaldson Company's intra-agency appeal, the acting commissioner affirmed the arbitration decision in its entirety. On judicial review, the district court affirmed the forty percent industrial disability, but reversed the award of future medical expenses due to Bank's previous asthma condition.

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<sup>1</sup> Banks claims that other factories also used isocyanates, therefore leaving her unable to seek additional factory employment.

Donaldson Company appeals, claiming the district court erred in concluding there was substantial evidence to support the agency's finding of permanent disability. We accept the factual findings of the commissioner and will reverse only if those findings are not supported by substantial evidence. Iowa Code § 17A.19(10)(f); *Midwest Ambulance Serv. v. Ruud*, 754 N.W.2d 860, 864 (Iowa 2008). As the district court properly found in its recitation of the facts, the industrial disability finding is supported by substantial evidence. Because we agree with the district court's reasoning, and application of the law, we affirm. See Iowa R. App. P. 21.29(1)(b), (d), and (e).

**AFFIRMED.**