

**IN THE COURT OF APPEALS OF IOWA**

No. 8-897 / 08-0870  
Filed November 26, 2008

**HELEN WOODS,**  
Plaintiff-Appellant,

**vs.**

**DES MOINES PUBLIC SCHOOL DISTRICT**  
**and EMC INSURANCE COMPANY,**  
Defendants-Appellees.

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Appeal from the Iowa District Court for Polk County, D.J. Stovall, Judge.

Employee appeals from the district court's ruling affirming the workers' compensation commissioner's denial of disability benefits. **AFFIRMED.**

Gary G. Mattson of LaMarca & Landry, P.C., Des Moines, for appellant.

Matthew A. Grotnes of Hopkins & Huebner, P.C., Des Moines, for appellees.

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

**MAHAN, J.**

Helen Woods appeals from the district court's ruling on judicial review affirming the workers' compensation commissioner's denial of temporary and permanent disability benefits. She contends the commissioner's decision is not supported by substantial evidence. We affirm.

Helen Woods began working for the Des Moines Public School District in November 1997 as a bus driver. She has an extensive medical history, including x-rays taken in March 1997 that show Grade 2 spondylolisthesis (displacement of vertebrae). Woods sustained a work-related injury to her right shoulder in August 1999 and a work-related injury to her left shoulder in May 2000. She has received industrial disability benefits for both injuries. An April 30, 2002 report by a physician's assistant at Iowa Pain Management Clinic notes an impression of fibromyalgia/chronic myofascial pain syndrome. She quit working as a bus driver in September 2002.

Woods returned to work as a bus associate in October 2003. Her duties included riding buses, monitoring student behavior, and at times assisting disabled children. Woods claims to have suffered a work-related injury on November 6, 2003, when she was bounced from her bus seat and struck her back on a metal bar. She filed an injury report on January 5, 2004, and left work on February 20, 2004.

Woods filed a claim for workers' compensation in June 2005, which went to hearing before a deputy commissioner in March 2006. The deputy found that Woods had sustained a work-related injury on November 6, 2003, but concluded that Woods had failed to prove the injury was the proximate cause of temporary

or permanent disability. Two of the deputy's many findings are noted: first, a January 13, 2006 statement by Dr. Lynn Nelson that Woods's spondylolisthesis was degenerative in nature and not substantially aggravated by the November 2003 work injury; and second, the deputy's conclusion that, "[n]o doctor who has had an accurate history has clearly and specifically opined that the November 6, 2003 injury was a proximate cause of a permanent disability." The deputy thus denied temporary and permanent disability awards.

Woods appealed to the workers' compensation commissioner. The commissioner affirmed, and Woods filed a petition for judicial review in the district court.

The district court filed an extensive ruling affirming the denial of disability benefits and remanding to the commissioner for a decision on the issue of medical expenses. The district court concluded that the commissioner was well within his discretion to accept Dr. Nelson's conclusion that Woods's injury did not aggravate her spondylolisthesis or cause disability in light of the record evidence of prior injuries, the continuation of pain medication, and Woods's self-removal from work. Woods appeals.

Woods contends the commissioner's decision is not supported by substantial evidence. We disagree.

Factual findings regarding the award of workers' compensation benefits are within the commissioner's discretion, so we are bound by the commissioner's findings of fact if they are supported by substantial evidence. *Mycogen Seeds v. Sands*, 686 N.W.2d 457, 464-65 (Iowa 2004). Evidence is substantial if a reasonable mind would accept it as adequate to reach a conclusion. *Heartland*

*Specialty Foods v. Johnson*, 731 N.W.2d 397, 400 (Iowa Ct. App. 2007). The commissioner's decision does not lack substantial evidence because inconsistent conclusions may be drawn from the same evidence. *Id.* We are to broadly and liberally construe the commissioner's finding to uphold, rather than defeat the decision. *Id.*

As noted in the district court's ruling, substantial evidence supports the commissioner's determination that Woods failed to establish that her work-related injury caused temporary or permanent disability. No doctor has ever restricted Woods from working. Dr. Nelson opined that the work injury did not aggravate Woods's spondylolisthesis. Dr. Jerome Bashara and Dr. Jacqueline Stoken, upon whose opinions Woods relies, did not indicate that they had reviewed any x-rays before January 2004. The commissioner could conclude that their opinions could not therefore reliably establish causation.

Substantial evidence supports the commissioner's denial of disability benefits. We affirm.

**AFFIRMED.**