

**IN THE COURT OF APPEALS OF IOWA**

No. 9-068 / 08-1327  
Filed March 11, 2009

**CAROL ANN TEAGUE,**  
Petitioner-Appellant,

**vs.**

**DRAKE UNIVERSITY and EMPLOYERS  
MUTUAL CASUALTY COMPANY,**  
Respondents-Appellees.

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Appeal from the Iowa District Court for Polk County, Michael D. Huppert,  
Judge.

Carol Teague appeals from the district court's ruling on judicial review affirming the decision of the workers' compensation commissioner denying her benefits. **AFFIRMED.**

Thomas J. Reilly of Thomas J. Reilly Law Firm, P.C., Des Moines, for appellant.

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

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

**MAHAN, P.J.**

Carol Ann Teague initiated this action, seeking workers' compensation benefits for alleged injuries sustained while employed at Drake University from November 1991 through June 2003. Teague began receiving long-term disability benefits in 2003. Drake denied Teague had sustained a work-related injury for which she was entitled to workers' compensation benefits.

The workers' compensation commissioner found Teague had not met her burden of establishing that she had suffered a permanent injury which arose out of and in the course of her employment at Drake. The commissioner found the opinions of Teague's medical experts (Drs. David Berg, Doug Layton and M.S. Iqbal) unconvincing, relying instead upon the opinions of Drs. Joseph Gilg and John Kuhnlein, who concluded Teague's underlying physical conditions were not caused by her employment at Drake.

On judicial review, Teague argued the opinions of her experts should have prevailed. The district court determined the commissioner's findings were supported by substantial evidence and affirmed. Teague appeals.

The outcome of this appeal is dictated by our scope of review, which is governed by the Iowa Administrative Procedure Act, chapter 17A of the 2007 Iowa Code. Iowa Code § 86.26; *Meyer v. IBP, Inc.*, 710 N.W.2d 213, 218 (Iowa 2006). Our review of the commissioner's decision is for errors at law, not de novo. *Finch v. Schneider Specialized Carriers, Inc.*, 700 N.W.2d 328, 330 (Iowa 2005). "Under the Act, we may only interfere with the commissioner's decision if

it is erroneous under one of the grounds enumerated in the statute, and a party's substantial rights have been prejudiced." *Meyer*, 710 N.W.2d at 218.

The district court acts in an appellate capacity to correct errors of law on the part of the agency. *Mycogen Seeds v. Sands*, 686 N.W.2d 457, 463 (Iowa 2004). In reviewing the district court's decision, we apply the standards of chapter 17A to determine whether our conclusions are the same as those reached by the district court. *Clark v. Vicorp Rests., Inc.*, 696 N.W.2d 596, 603 (Iowa 2005).

The commissioner rejected the opinions of Drs. Berg and Layton (with whose opinions Dr. Iqbal agreed) as "equivocating and, at times, contradictory." Instead, the commissioner found particularly persuasive the opinion of Dr. Kuhnlein:

While chronic myofascial pain can be exacerbated or aggravated by certain work activities, there is no evidence in the file at this time to suggest that [Teague's] symptoms were materially aggravated by her work activities, particularly as her symptoms increased after her employment ceased, and she was no longer exposed to the stressors that purportedly caused her symptoms.

The commissioner thus found that Teague's pain conditions and resulting disability were "progressive irrespective of any work activity" and denied her benefits.

The weight to be afforded an expert's opinion is for the finder of fact. In general, the commissioner, as the finder of fact, may accept or reject expert evidence in whole or in part. *Poula v. Siouxland Wall & Ceiling, Inc.*, 516 N.W.2d 910, 911 (Iowa Ct. App.1994). 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*, 686 N.W.2d at 464-65. In reviewing the workers' compensation commissioner's findings of fact, the question is not whether the evidence might support a different finding, but whether it supports the findings actually made. *St. Luke's Hosp. v. Gray*, 604 N.W.2d 646, 649 (Iowa 2000). The commissioner weighs the evidence, and the court should broadly and liberally apply those findings in order to uphold, rather than defeat, the commissioner's decision. *Id.* Under such a standard, we must conclude substantial evidence supports the commissioner's findings. We affirm.

**AFFIRMED.**