

IN THE COURT OF APPEALS OF IOWA

No. 8-669 / 07-1982
Filed November 13, 2008

**GENERAL MILLS and LIBERTY
MUTUAL INSURANCE CO.,**
Petitioners-Appellees/Cross-Appellants,

vs.

CYNTHIA MARTIN,
Respondent-Appellant/Cross-Appellee.

Appeal from the Iowa District Court for Polk County, Arthur E. Gamble,
Judge.

Former employee appeals and employer cross-appeals from the ruling on
judicial review from employee's workers' compensation action. **AFFIRMED.**

Thomas M. Wertz and Matthew D. Dake of Wertz Law Firm, P.C., Cedar
Rapids, for appellant.

Peter L. Thill and Edward R. Rose of Betty, Neuman & McMahon, P.L.C.,
Davenport, for appellees.

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

VOGEL, J.

Cynthia Martin was injured while employed by General Mills in July of 2000 and she later filed a workers' compensation petition. The workers' compensation commissioner found Martin was permanently and totally disabled and ordered General Mills to pay a \$50,000 penalty for its failure to pay benefits on Martin's depression claim. On judicial review, the district court affirmed the award of permanent total disability, but reversed the penalty benefits award.

Martin appeals, claiming the district court erred in reversing the commissioner's award of penalty benefits. General Mills cross-appeals, maintaining the commissioner's finding of permanent total disability is not supported by substantial evidence. Upon our review pursuant to Iowa Code chapter 17A (2005), we affirm. As the district court properly found, the permanent disability finding is supported by substantial evidence, see Iowa Code § 17A.19(10)(f), and the commissioner's award of penalty benefits was based on an erroneous interpretation of law, the product of an irrational and wholly unjustifiable application of the law to the facts, and lacking in consideration of relevant facts. See *id.* at §§ 17A.19(10)(c), (j), (l), (m), and (n). Because we agree with the district court's careful recitation of the facts, reasoning, and application of the law, we affirm. See Iowa R. App. P. 21.29(1)(b), (d), and (e).

AFFIRMED.