

**IN THE COURT OF APPEALS OF IOWA**

No. 3-783 / 13-0334  
Filed September 5, 2013

**IOWA NEWSPAPERS, INC., and AIG,**  
Plaintiff-Appellants,

**vs.**

**MICHELLE L. WATSON,**  
Defendant-Appellee.

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Appeal from the Iowa District Court for Polk County, Robert J. Blink,  
Judge.

Iowa Newspapers, Inc. and AIG appeal from the district court's affirmance  
of the workers' compensation commissioner's award of benefits to Michelle  
Watson. **AFFIRMED.**

Timothy A. Clausen and Deena A. Townley of Klass Law Firm, L.L.P.,  
Sioux City, for appellant.

Nathaniel R. Boulton of Hedberg & Boulton, P.C., Des Moines, for  
appellee.

Considered by Potterfield, P.J., and Mullins and Bower, JJ.

**POTTERFIELD, P.J.**

Iowa Newspapers, Inc. and AIG appeal from the district court's affirmance of the workers' compensation commissioner's award of benefits to Michelle Watson. They argue the agency erred in finding Watson's injury was related to her employment, the healing period for her injuries had ended with no indication of significant medical improvement, Watson was permanently disabled, and in awarding certain medical expenses.

We affirm, finding the agency's causation, healing period, and medical expense awards are supported by substantial evidence, and the agency's application of the law to the facts regarding the extent of her disability was not irrational, illogical, or wholly unjustifiable. See *Coffey v. Mid Seven Transp. Co.*, 831 N.W.2d 81, 89 (Iowa 2013); *Larson Mfg. Co., Inc. v. Thorson*, 763 N.W.2d 842, 850–51 (Iowa 2009).

**I. Facts and proceedings.**

On December 19, 2008, Michelle Watson slipped on ice while traveling to sell advertisements for her employer, Iowa Newspapers, Inc. She fell onto her left side and was injured. Though initially Watson thought her injury was just bruising, she soon realized the injury was worse than she thought. Over time, the injury led to back pain, burning and numbness, headaches, interrupted sleep, and depression. In April 2009, Watson had a lump under her left shoulder blade removed. The lump on her shoulder had been growing for several years. Watson ended her employment with Iowa Newspapers, Inc. in May of 2009 after it became too difficult to work. August 31, 2009, Watson filed a petition for workers' compensation benefits. A hearing on the petition was held September

10, 2010, and a decision was issued in July 2011. The agency carefully considered the conflicting testimony of the many doctors who met with Watson over the period of her injury. It concluded Watson's condition arose out of the December 19, 2008, injury; that her healing period had ended as she was at maximum medical improvement; and that she was permanently and totally disabled.

Iowa Newspapers, Inc. and AIG appealed the decision to the worker's compensation commissioner, claiming the agency erred in finding Watson sustained the impairment due to her work injury, in finding them liable for medical care costs, and in determining the extent and commencement date of disability. The commissioner affirmed and adopted the deputy commissioner's decision without further comment. Iowa Newspapers petitioned for judicial review of the decision. In its opinion, the district court carefully reviewed the record and the differing opinions of the experts. The court concluded substantial evidence supported the agency's award of permanent total disability benefits, as well as medical care, expenses, and costs. Iowa Newspapers, Inc. and AIG appeal from this decision.

## **II. Analysis.**

Iowa Newspapers, Inc. and AIG argue three findings by the agency were improper: that Watson's injury was related to her fall, that her healing period ended, and that she is totally and permanently disabled. They also argue Watson was improperly awarded payment of various medical expenses.

When reviewing the commissioner's findings of fact, the following principles guide our review:

The industrial commissioner's findings have the effect of a jury verdict. We may reverse the commissioner's findings of fact only if they are unsupported by substantial evidence in the record made before the agency when the record is viewed as a whole. Evidence is substantial if a reasonable mind would find it adequate to reach the same conclusion. An agency's decision does not lack substantial evidence because inconsistent conclusions may be drawn from the same evidence.

*Coffey*, 831 N.W.2d at 89 (quoting *2800 Corp. v. Fernandez*, 528 N.W.2d 124, 126 (Iowa 1995)). Our legislature has defined substantial evidence as “the quantity and quality of evidence that would be deemed sufficient by a neutral, detached, and reasonable person, to establish the fact at issue when the consequences resulting from the establishment of that fact are understood to be serious and of great importance.” Iowa Code § 17A.19(10)(f)(1) (2011).

As the finder of fact, the agency determines the weight to assign an expert opinion, assessing the accuracy of the facts provided to the expert as well as other surrounding circumstances. The agency may reject or accept the expert evidence entirely or in part. In our appellate posture, we are not at liberty to accept contradictory opinions of other experts in order to reject the finding of the commissioner. Thus, whether a piece of evidence trumps another or is qualitatively weaker is not an assessment for either the district court or the court of appeals to make when reviewing an agency's decision on the basis of substantial evidence.

*Dunlap v. Action Warehouse*, 824 N.W.2d 545, 555 (Iowa Ct. App. 2012) (internal citations omitted). When reviewing an agency's application of the law to these facts (where, as here, the agency has been clearly vested with the power to make those determinations), we will reverse only if the commissioner's application was irrational, illogical, or wholly unjustifiable. *Larson Mfg. Co., Inc.*, 763 N.W.2d at 850–51. We review the agency's determination of degree of industrial disability under this standard. *Id.* at 856–57. The remaining claims,

however, involve reviewing the agency's determination of fact. *Cedar Rapids Comm. Sch. Dist. v. Pease*, 807 N.W.2d 839, 844–45 (Iowa 2011) (holding medical causation is a finding of fact and applying substantial evidence standard to review of commissioner's award of medical expenses); *Bell Bros. Heating and Air Conditioning v. Gwinn*, 779 N.W.2d 193, 199 (Iowa 2010) (applying substantial evidence standard to evaluation of permanent disability and determination of maximum medical improvement); *Pitzer v. Rowley Interstate*, 507 N.W.2d 389, 392 (Iowa 1993) (applying substantial evidence standard to duration of healing period).

Iowa Newspapers, Inc. and AIG's appeal asks us to revisit and re-weigh expert testimony. We agree with the district court's well-reasoned analysis and conclusions that substantial evidence supports the factual findings of the agency and the agency's application of the law to the facts was not irrational, illogical, or wholly unjustifiable. We find any further discussion is unnecessary as the issues were thoroughly discussed and resolved by the well-written agency and district court opinions. We affirm without opinion pursuant to Iowa Rule of Appellate Procedure 6.1203(a), (c), and (d).

**AFFIRMED.**