**IN THE COURT OF APPEALS OF IOWA**

No. 9-660 / 09-0335
Filed September 2, 2009

**DORINE WILSON,**
Plaintiff-Appellant,

**vs.**

**ELECTROLUX,**
Defendant-Appellee.

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Appeal from the Iowa District Court for Webster County, Gary L. McMinimee, Judge.

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

Janece Valentine of Valentine Law Office, P.C., Fort Dodge, for appellant.

John E. Swanson of Hansen, McClintock & Riley, Des Moines, for appellee.

Considered by Sackett, C.J., and Eisenhauer and Doyle, JJ.

**EISENHAUER, J.**

Dorine Wilson appeals from a district court judicial review ruling affirming the workers' compensation commissioner's denial of benefits. We affirm.

**I. Background Facts and Proceedings.**

Wilson is a production worker at Electrolux. Wilson and Electrolux stipulated Wilson sustained three injuries arising out of and in the course of employment: July 29, 2002, neck; July 28, 2003, back; and October 24, 2003, shoulder. Wilson was treated by Dr. Mooney, Electrolux's company doctor, and completed physical therapy. The parties further stipulated Wilson's injuries did not cause temporary disability. Wilson missed no time from work for these injuries and continued to perform full-duty work in her normal job position without restriction. Wilson did not make any bids for a position off the production line.

Wilson sought an agency determination that she sustained permanent impairment and industrial disability. At the 2005 hearing, Wilson submitted a report from her independent medical exam with Dr. Stoebe. Dr. Stoebe rated both Wilson's neck and back claims as zero impairment, but calculated an impairment rating for Wilson's shoulder claim. Dr. Mooney found no impairment to have resulted from any of the three injuries. The workers' compensation deputy ruled Wilson "has failed to establish permanent disability caused by any of the subject work injuries."

Wilson appealed the deputy's decision to the commissioner, who remanded the case to the deputy. The commissioner instructed the deputy to reconsider elements of Dr. Stoebe's and Dr. Mooney's reports and to clarify that

the medical opinions of Dr. Carlstrom and Dr. Hasan had been considered. On remand, the deputy discussed the medical evidence from the four doctors in detail and again determined Wilson failed to prove permanent disability relating to any of the three stipulated injuries. In April 2008, the industrial commissioner affirmed the deputy's clarified, remand decision. Wilson appealed to the district court and, in February 2009, the court affirmed the agency's decision. This appeal followed.

**II. Standard of Review.**

Iowa Code section 17A.19 (2007) lists the instances when a court may, on judicial review, reverse, modify, or grant other appropriate relief from agency action. We do not apply a "scrutinizing analysis" to the commissioner's findings. *Terwilliger v. Snap-On Tools Corp.*, 529 N.W.2d 267, 272 (Iowa 1995). Rather, we are bound by the agency's findings of fact if supported in the record as a whole and will reverse only if we determine substantial evidence does not support the agency's findings. *Meyer v. IBP, Inc.*, 710 N.W.2d 213, 218 (Iowa 2006). The question is not whether the evidence supports a different finding, but whether the evidence supports the findings actually made. *Id.*

Unlike the commissioner's findings of fact, "we give the commissioner's interpretation of the law no deference and are free to substitute our own judgment." *Lakeside Casino v. Blue*, 743 N.W.2d 169, 173 (Iowa 2007). "On the other hand, application of the workers' compensation law to the facts as found by the commissioner is clearly vested in the commissioner" and may be reversed "only if it is irrational, illogical, or wholly unjustifiable." *Id.*

**III. Merits.**

On appeal, Wilson first argues the "agency should be reversed . . . for ignoring the report from Dr. Carlstrom." We disagree. In the remand decision, the deputy did not ignore Dr. Carlstrom's report, but rather discussed Dr. Carlstom's report and explained why he concluded Dr. Carlstrom's report had no application. The weight to be given evidence is exclusively within the agency's domain. *Titan Tire Corp. v. Employment Appeal Bd.*, 641 N.W.2d 752, 755 (Iowa 2002). Further, any expert opinion may be accepted or rejected in whole or in part. *Frye v. Smith-Doyle Contractors*, 569 N.W.2d 154, 156 (Iowa Ct. App. 1997). We agree with the district court: "the deputy's explanation is reasonable."

Wilson also argues the district court erred in affirming three agency rulings: (1) Wilson failed to prove a permanent impairment causally related to her neck injury; (2) Dr. Stoebe's report did not require a finding of permanent disability; and (3) Wilson did not prove permanent disability as a result of her three traumatic injuries. When we review the district court's decision, "we apply the standards of chapter 17A to determine whether the conclusions we reach are the same as those of the district court. If they are the same, we affirm; otherwise, we reverse." *Mycogen Seeds v. Sands*, 686 N.W.2d 457, 464 (Iowa 2004). After our review of the record, our conclusion is the same as the well-reasoned district court opinion, which we adopt. Accordingly, we affirm.

**AFFIRMED**.