

IN THE IOWA DISTRICT COURT
IN AND FOR POLK COUNTY

MIKAYLA WALKER,
Petitioner,

v.

IOWA CIVIL RIGHTS COMMISSION,
Respondent.

Case No.: CVCV058834

ORDER:

Ruling on Petition
for Judicial Review

On January 24, 2020, this matter came before the Court on Petitioner's Application for Judicial Review. Petitioner appeared by and through her attorney, Roxanne Conlin. Assistant Attorney General Katie Fiala appeared and argued on behalf of Respondent. Having considered the arguments and authority from the parties, and after studying the underlying record herein, the Court enters the following ruling.

A. FACTUAL AND PROCEDURAL BACKGROUND

In April 2018, Petitioner became pregnant. As with many pregnancies, Petitioner suffered through morning sickness and frequent headaches. Petitioner claims that in December 2018, her symptoms took a turn for the worse. On December 20, 2018, Petitioner was transported to Iowa Specialty Hospital.

During her hospitalization, Petitioner complained to the doctors and nurses responsible for her care about the pain she was enduring. In Petitioner's estimation, her complaints were largely ignored. On December 29, 2018, following the birth of her son, Petitioner was released from Iowa Specialty Hospital.

On December 30, 2018, Petitioner suffered a seizure at home, and was transported back to Iowa Specialty Hospital. While there, she was diagnosed with preeclampsia and anemia.

Based on the forgoing facts, on July 25, 2019, Petitioner filed a complaint with the Iowa Civil Rights Commission. On August 5, 2019, Respondent dismissed Petitioner's complaint. Respondent contended the information that Petitioner submitted did not

indicate or explain how the Hospital's actions were discriminatory, based on her pregnancy. In Respondent's opinion, "[t]his appears to be a medical malpractice situation."

B. STANDARD OF REVIEW

Iowa Code Chapter 17A governs judicial review of an agency action. The district court acts in an appellate capacity and reviews agency action to correct errors at law.¹ The Court "may grant relief if the agency action has prejudiced the substantial rights of the petitioner, and the agency action meets one of the enumerated criteria contained in section 17A.19(10)(a) through (n)."² "The burden of demonstrating the required prejudice and the invalidity of agency action is on the party asserting invalidity."³

When, as here, "the claim of error lies with the *ultimate conclusion* reached, then the challenge is to the agency's application of the law to the facts, and the question on review is whether the agency abused its discretion..."⁴ Discretion is abused when it is exercised on clearly untenable grounds or to a clearly unreasonable extent.⁵

C. DISCUSSION

Iowa Code Section 216.15(1) provides "[a]ny person claiming to be aggrieved by a discriminatory or unfair practice may, in person or by an attorney, make, sign, and file with the commission a verified, written complaint which shall state the name and address of the person, employer, employment agency or other organization alleged to have committed the discriminatory or unfair practice of which complaint, shall set forth the particulars thereof, and shall contain such other information as may be required by the commission." A written complaint should contain "[a] clear and concise statement of the facts, including pertinent dates, if known, constituting each alleged unfair or discriminatory practice. . . ."⁶

¹ *Bearinger v. Iowa Dept. of Transp.*, 844 N.W.2d 104, 105 (Iowa 2014); *Meyer v. IBP, Inc.*, 710 N.W.2d 213, 219 (Iowa 2006).

² *Burton v. Hilltop Care Cntr.*, 813 N.W.2d 250, 256 (Iowa 2012) (quoting *Evercom Sys., Inc., v. Iowa Utilities Bd.*, 805 N.W.2d 758, 762 (Iowa 2011)).

³ Iowa Code §17A.19(8)(a).

⁴ *Meyer*, 710 N.W.2d at 219 (citing Iowa Code §17A.19(10)(i), (j)).

⁵ See *Equal Access Corp. v. Utils. Bd.*, 510 N.W.2d 147, 151 (Iowa 1993).

⁶ Iowa Administrative Code 161-3.4(2)(c).

Iowa Administrative Code 161-3.4(3) provides that “[n]otwithstanding the provisions of sub rule 3.4(2), a complaint is sufficient when the commission receives from the complainant a written statement sufficiently precise to identify the parties and to describe generally the action or practice complained of.” Once these conditions are satisfied, the Commission may initiate an investigation.

Here, Respondent declined to investigate Petitioner’s claim. The basis for Respondent’s declination was that the information Petitioner submitted failed to explain how the Hospital’s actions were discriminatory, based on her pregnancy or disability.

Petitioner, who was a pro se litigant when her complaint was filed, failed to provide sufficient information from which Respondent could have initiated an investigation. Petitioner asserts that her treating nurse and Dr. Diamond, her treating OBGYN, discriminated against her in a public accommodation because of her gender; vis-à-vis, her pregnancy. However, at the heart of Petitioner’s complaint is her belief that her treating nurse and Dr. Diamond failed to take her complaints seriously. There are at least two flaws in Petitioner’s logic.

First, Petitioner is pursuing the wrong cause of action. As the argument goes, because Petitioner was “made to feel like [she] was crazy” and the medical staff did not take her complaints seriously, Petitioner received sub-standard medical care. Because of that sub-standard care, Petitioner endured pain, suffering, and, ostensibly, lost wages.⁷ As Respondent correctly noted, those allegations are the hallmarks of a medical negligence claim.

Second, in order to transform this from a medical negligence claim to a facially valid civil rights complaint, Petitioner needed to identify facts that would support even an inference of gender discrimination. Petitioner’s logic goes something like this: the Iowa Civil Rights Commission investigates alleged violations of the Iowa Civil Rights Act; the Iowa Civil rights Act recognizes pregnant women as a protected class; Dr. Diamond is an OBGYN; by the very nature of her profession, Dr. Diamond provides medical care for

⁷ In her Civil Rights Commission Complaint Form, Petitioner asserts that because she was in and out of the hospital for “almost the entirety of December,” she and her husband “both missed a lot of work.”

women, because only women are capable of becoming pregnant; Petitioner was pregnant when Dr. Diamond mistreated her by making her “feel like [she] was crazy” and dismissing her complaints; because Petitioner was a member of a protected class when she was allegedly mistreated, the Iowa Civil Rights Commission must investigate Dr. Diamond’s actions as a potential violation of the Iowa Civil Rights Act. This Court is simply unwilling to accept the kind of “House That Jack Built” reasoning Petitioner employs here.

Assuming without deciding that Dr. Diamond and the medical staff’s bedside manner was poor, Petitioner failed to articulate **how** that poor bedside manner was causally related to her protected class membership. Without that nexus, Petitioner’s complaint failed to meet the requirements of Iowa Administrative Code 161-3.4(2)(c).

D. CONCLUSION

For all of the foregoing reasons, Petitioner’s Application for Judicial Review should be and is hereby DENIED.

ORDER

IT IS THEREFORE ORDERED, Petitioner’s Application for Judicial Review should be and is hereby DENIED and DISMISSED.

IT IS FURTHER ORDERED that costs shall be assessed to Petitioner.

So Ordered.



State of Iowa Courts

Type: OTHER ORDER

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Case Title MIKAYLA WALKER VS IOWA CIVIL RIGHTS COMMISSION

So Ordered

A handwritten signature in black ink, appearing to read "David Porter".

David Porter, District Court Judge,
Fifth Judicial District of Iowa