

DEFINITIONS

7. Substantial Evidence

Substantial evidence is relevant evidence which a reasonable person could accept as adequate to support a conclusion. [Nicholson v. United Pac. Ins. Co.](#), 219 Mont. 32, 42, 710 P.2d 1342, 1348-49 (1985). Substantial evidence must be more than a mere scintilla but may be less than a preponderance of the evidence. [Carestia v. Robey](#), 2013 MT 335, ¶ 7, 372 Mont. 438, 313 P.3d 169. Although it may be based on weak and conflicting evidence, to rise to the level of substantial evidence, it must be greater than trifling or frivolous. [Baird v. Norwest Bank](#), 255 Mont. 317, 323, 843 P.2d 327, 331 (1992).

A. Agency Determinations:

Judicial review of an agency decision must be confined to the record. [Knowles v. State ex rel. Lindeen](#), 2009 MT 415, ¶ 20, 353 Mont. 507, 222 P.3d 595. Judicial review is confined to determining whether there is substantial evidence in the record supporting the findings of the agency. [Harmon v. Deaconess Hosp.](#), 191 Mont. 285, 290, 623 P.2d 1372, 1375 (1981). The court may not substitute its judgment for that of the agency as to the weight of the evidence. [Knowles](#), ¶ 21. The question is not whether there is evidence to support different findings, but whether substantial evidence supports the findings actually made. [Knowles](#), ¶ 21.

B. Jury Verdicts:

Where the evidence is conflicting, but substantial evidence appears in the record to support the verdict of the jury, the verdict will not be disturbed. [Brandenburger v. Toyota Motor Sales](#), 162 Mont. 506, 510, 513 P.2d 268, 270 (1973). The reviewing court must accept the evidence found in the record as true, unless that evidence is so inherently impossible as not to be entitled to belief. [Brandenburger](#), 162 Mont. at 509, 513 P.2d at 270. Where a verdict is based upon substantial evidence which from any point of view could have been accepted by the jury as credible, it is binding upon the reviewing court, even if it appears inherently weak. [Kitchen Krafters v. Eastside Bank](#), 242 Mont. 155, 164, 789 P.2d 567, 572 (1990) (rev'd in part by [Busta v. Columbus Hosp.](#), 276 Mont. 342, 370, 916 P.2d 122, 139 (1996)). The Court will not reweigh conflicting evidence. [Thayer v. Hicks](#), 243 Mont. 138, 153, 793 P.2d 784, 793 (1990).