

ARKANSAS COURT OF APPEALS

DIVISION IV

No. CA09-1061

BRIDGESTONE/FIRESTONE, INC.
APPELLANT

V.

PAUL HENSLEY

APPELLEE

Opinion Delivered May 5, 2010

APPEAL FROM THE ARKANSAS
WORKERS' COMPENSATION
COMMISSION [NO. F003545]

AFFIRMED

JOHN MAUZY PITTMAN, Judge

Appellee sustained a compensable injury to his neck and lower back while working for appellant in February 2000 and received medical benefits, temporary total disability benefits, and permanent partial disability benefits. He sought compensation for further medical treatment obtained from Dr. Kevin Beavers in 2007. The Commission denied this claim. On appeal, we held that the Commission's opinion contained insufficient findings to permit meaningful appellate review and, in an unpublished opinion delivered May 6, 2009, we reversed and remanded for the Commission to make additional findings. *Hensley v. Bridgestone/Firestone, Inc.*, 2009 Ark. App. 364 (unpublished). The Commission complied with our mandate in an opinion filed June 25, 2009. Upon doing so, the Commission concluded that appellee had in fact shown entitlement to additional reasonable medical treatment from Dr. Beavers. The present appeal is brought by the employer, which argues

that the Commission's finding of appellee's entitlement to additional medical treatment is not supported by substantial evidence. We find no error, and we affirm.

This case turns on a conflict in the evidence. Dr. Darin Wilbourn opined in 2006 that appellee's healing period had ended and that his compensable injuries required no additional treatment. However, Dr. Wilbourn also opined at that time that appellee's chronic low back pain was related to his 2000 injury and that his then-current medical care, which included therapy and medication prescribed by Dr. Beavers, was reasonable and necessary in connection with appellee's injury. Appellee testified that he subsequently returned to Dr. Beavers and that Dr. Beavers prescribed medicine that helped appellee's back. Dr. Beavers's records note that appellee presented on March 2, 2007, with a history of back pain following a work-related injury and exhibited paraspinous muscle spasms. The latter proof is substantial evidence because it provides a sufficient basis for fair-minded people to find that Dr. Beavers's ongoing medical treatment was geared toward management of appellee's injury, treatment to which a claimant may be entitled even after the healing period has ended. *See, e.g., Patchell v. Wal-Mart Stores, Inc.*, 86 Ark. App. 230, 184 S.W.3d 31 (2004).

Appellant argues that the evidence is not substantial because the Commission disregarded the opinion of Dr. Wilbourn. We disagree. The Commission discussed the medical evidence in this case, and actually credited much of Dr. Wilbourn's opinion. It is true that the Commission may not "arbitrarily" disregard evidence. This does not, however, mean that the Commission must afford equal weight to all of the evidence before it, or even

Cite as 2010 Ark. App. 375

that it must specifically discuss evidence that would lead to a contrary result if it were found to be credible. *Bobby Clark Construction v. Clark*, 2010 Ark. App. 357; *Unimin Corp. v. Duncan*, 2010 Ark. App. 119. The Commission is the ultimate arbiter of weight and credibility; it has the authority to accept or reject medical opinions, and its resolution of conflicting medical evidence has the force and effect of a jury verdict. *Amaya v. Mill*, 102 Ark. App. 119, 282 S.W.3d 269 (2008); *Wal-Mart Stores, Inc. v. Sands*, 80 Ark. App. 51, 91 S.W.3d 93 (2002). Unless we can say that evidence contrary to that accepted by the Commission is of such a compelling nature that it would be impossible for reasonable minds to decline to accept it as true, we cannot say that the Commission has disregarded it arbitrarily. See *Unimin Corp.*, *supra*; see also *Groce v. Director*, 82 Ark. App. 447, 117 S.W.3d 618 (2003). Appellant has failed to meet this burden in the present case.

Affirmed.

VAUGHT, C.J., and BROWN, J., agree.