

ARKANSAS COURT OF APPEALS

DIVISION IV
No. CA10-833

LOWE'S HOME CENTERS, INC., &
SPECIALTY RISK SERVICES, LLC
APPELLANTS

V.

WILLIAM STENGEL

APPELLEE

Opinion Delivered February 16, 2011

APPEAL FROM THE ARKANSAS
WORKERS' COMPENSATION
COMMISSION [F812066]

AFFIRMED

DAVID M. GLOVER, Judge

Appellee, William Stengel, suffered an admittedly compensable left-knee injury on November 22, 2008, while employed by appellant, Lowe's Home Centers. However, when his orthopedic surgeon, Dr. Kevin Rudder, recommended that he have a total left-knee replacement, appellants controverted the claim. Following a hearing, the ALJ concluded that appellee had established that the additional medical services, particularly the knee replacement, was reasonable and necessary and remained appellants' responsibility; that appellee remained in his healing period, had not returned to work from January 14, 2009 through April 3, 2009, and was entitled to temporary-total disability benefits; and that he remained in his healing period and was entitled to temporary-partial disability benefits from April 4, 2009 to a date yet to be determined. The Commission affirmed and adopted the ALJ's decision. In this appeal, appellants contend that substantial evidence

does not support: 1) the finding that appellee's left-knee replacement was reasonably necessary; and 2) the award of TTD benefits from January 14, 2009 to April 3, 2009, and TPD benefits from April 4, 2009 to a date yet to be determined. We affirm by memorandum opinion. See *In re Memorandum Opinions*, 16 Ark. App. 301, 700 S.W.2d 63 (1985).

Memorandum opinions may be issued in any or all of the following cases:

- (a) Where the only substantial question involved is the sufficiency of the evidence;
- (b) Where the opinion, or findings of fact and conclusions of law, of the trial court or agency adequately explain the decision and we affirm;
- (c) Where the trial court or agency does not abuse its discretion and that is the only substantial issue involved; and
- (d) Where the disposition of the appeal is clearly controlled by a prior holding of this court of the Arkansas Supreme Court and we do not find that our holding should be changed or that the case should be certified to the supreme court.

This case falls within category (a) and (b).

Appellants challenge the sufficiency of the evidence with respect to the necessity of the knee replacement and the award of temporary-total and temporary-partial benefits. The ALJ's opinion, affirmed and adopted by the Commission, adequately explains the decision, and we are affirming.

We therefore affirm by memorandum opinion pursuant to sections (a) and (b) of our per curiam *In re Memorandum Opinions*, 16 Ark. App. 301, 700 S.W.2d 63 (1985).

Affirmed.

ABRAMSON and HOOFFMAN, JJ., agree.