

# ARKANSAS COURT OF APPEALS

DIVISION III

No. CA09-659

CHARLES W. SCOTT

APPELLANT

V.

LIBERTY SUPPLY, INC.,  
MASSACHUSETTS BAY INSURANCE  
CO., and SECOND INJURY FUND

APPELLEES

**Opinion Delivered** November 18, 2009

APPEAL FROM THE ARKANSAS  
WORKERS' COMPENSATION  
COMMISSION  
[NO. F608592]

AFFIRMED

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**WAYMOND M. BROWN, Judge**

Appellant Charles Scott appeals from a decision by the Arkansas Workers' Compensation Commission affirming and adopting the decision of the administrative law judge. Appellant argues on appeal that there is insufficient evidence supporting the Commission's denial of benefits for a gradual-onset back injury. We find no error and affirm.

In reviewing decisions from the Workers' Compensation Commission, we view the evidence and all reasonable inferences deducible therefrom in the light most favorable to the Commission's findings, and we affirm if the decision is supported by substantial evidence. *Wal-Mart Stores, Inc. v. Sands*, 80 Ark. App. 51, 91 S.W.3d 93 (2002). Substantial evidence is that which a reasonable person might accept as adequate to support a conclusion. *Olsen Kimberly Quality Care v. Petty*, 328 Ark. 381, 944 S.W.2d 524 (1997). The question is not

whether the evidence would have supported findings contrary to the ones made by the Commission; there may be substantial evidence to support the Commission's decision even though we might have reached a different conclusion if we sat as the trier of fact or heard the case de novo. *CDI Contractors v. McHale*, 41 Ark. App. 57, 848 S.W.2d 941 (1993). We will not reverse the Commission's decision unless we are convinced that fairminded persons with the same facts before them could not have reached the conclusions arrived at by the Commission. *White v. Georgia-Pacific Corp.*, 339 Ark. 474, 6 S.W.3d 98 (1999). Questions concerning the credibility of witnesses and the weight to be given to their testimony are within the exclusive province of the Commission. *Ark. Dep't of Health v. Williams*, 43 Ark. App. 169, 863 S.W.2d 583 (1993).

The only issue in this appeal is whether sufficient evidence supports the Commission's decision. The Commission's findings of fact, conclusions of law, and opinion adequately explain the decision. Having determined that the Commission's findings are in fact supported by substantial evidence, we affirm by memorandum opinion. See *In re Memorandum Opinions*, 16 Ark. App. 301, 700 S.W.2d 63 (1985).

GLADWIN and GLOVER, JJ., agree.