

ARKANSAS COURT OF APPEALS

DIVISION III

No. CA11-44

CATHRYN A. JOHNSON

APPELLANT

V.

BATESVILLE NURSING &
REHABILITATION

APPELLEE

Opinion Delivered September 14, 2011

APPEAL FROM THE ARKANSAS
WORKERS' COMPENSATION
COMMISSION [NOS. F712515 AND
F901259]

AFFIRMED

JOHN MAUZY PITTMAN, Judge

The appellant sustained a compensable injury to her left shoulder while working for appellee Batesville Nursing & Rehabilitation. Appellees provided medical treatment, including a requested change of physician. Asserting that the insurer denied her request for additional pain management, appellant filed a claim for additional medical treatment. The Commission denied the claim, finding that appellant failed to prove that the requested treatment was reasonably necessary for treatment of her compensable injury.

Appellant argues three points on appeal, two of them going to the constitutionality of various aspects of the Arkansas Workers' Compensation Act. We cannot address these constitutional issues because they were neither presented to nor decided by the Commission, and therefore are not properly before us.¹ *Johnson v. Hux*, 28 Ark. App. 187, 772 S.W.2d 362

¹We note that the constitutional arguments raised by appellant's attorney have been rejected by us many times. *E.g.*, *Stutzman v. Baxter Healthcare Corp.*, 99 Ark. App. 19, 256 S.W.3d 524 (2007); *Stiger v. State Line Tire Service*, 72 Ark. App. 250, 35 S.W.3d 335 (2000);



Cite as 2011 Ark. App. 518

(1989). The remaining issue concerns the sufficiency of the evidence to support the Commission's findings. Because the Commission's opinion adequately explains its decision and because we conclude that the Commission's findings are supported by substantial evidence, we affirm by memorandum opinion. *In re Memorandum Opinions*, 16 Ark. App. 301, 700 S.W.2d 63 (1985).

Affirmed.

GLADWIN and BROWN, JJ., agree.

Spencer Law Firm, by: *Frederick S. "Rick" Spencer*, for appellant.

Worley, Wood & Parrish, P.A., by: *Melissa Wood*, for appellee.

Sykes v. King Ready Mix, Inc., 2011 Ark. App. 271; *Rippe v. Delbert Hooten Logging*, 100 Ark. App. 227, 266 S.W.3d 217 (2007); *Murphy v. Forsgren*, 99 Ark. App. 223, 258 S.W.3d 794 (2007); *Long v. Wal-Mart Stores, Inc.*, 98 Ark. App. 70, 250 S.W.3d 263 (2007). However, appellant's attorney does not acknowledge these precedents, much less make any attempt to distinguish them or present any argument that they should be overruled. See *White v. Priest*, 348 Ark. 135, 73 S.W.3d 572 (2002).