

ARKANSAS COURT OF APPEALS

DIVISION IV
No. CA 11-134

AMTECK, LLC, AND ST. PAUL
TRAVELERS

APPELLANTS

V.

RICKY COOLEY

APPELLEE

Opinion Delivered September 21, 2011

APPEAL FROM THE ARKANSAS
WORKERS' COMPENSATION
COMMISSION [NO. F809361]

AFFIRMED

DOUG MARTIN, Judge

Appellant Amteck, LLC, appeals from a 2-1 decision of the Arkansas Workers' Compensation Commission that adopted and affirmed an opinion of the Administrative Law Judge (ALJ) finding that appellee Ricky Cooley was entitled to additional total temporary disability (TTD) benefits. Amteck argues on appeal that Cooley failed to establish that his claim for additional TTD benefits was related to a compensable work injury, rather than to an intervening event. We find no error and issue this memorandum opinion affirming the Commission's decision. *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



Cite as 2011 Ark. App. 553

(d) Where the disposition of the appeal is clearly controlled by a prior holding of this court or 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.

Id. at 302, 700 S.W.2d at 63.

This case falls squarely within category (b). The Commission adopted the decision of the ALJ, who authored a well-reasoned opinion, and the record contains a substantial quantum of evidence to support the award of benefits. The ALJ and the Commission specifically credited the testimony of Dr. Gregory Ricca, who opined that Cooley's recurrent disc herniation was work-related, over the testimony of Dr. Kevin Rutz, who reached a different conclusion. It is the Commission's duty, not ours, to make credibility determinations, to weigh the evidence, and to resolve conflicts in the medical testimony and evidence. *Martin Charcoal, Inc. v. Britt*, 102 Ark. App. 252, 284 S.W.3d 91 (2008).

We therefore affirm by memorandum opinion pursuant to section (b) of our per curiam, *In re Memorandum Opinions, supra*.

Affirmed.

GLOVER and ABRAMSON, JJ., agree.

Friday, Eldredge & Clark, by: *Guy Alton Wade*, for appellants.

Christopher Paul; and *Chrestman Group, PLLC*, by: *Keith L. Chrestman*, for appellee.