

ARKANSAS COURT OF APPEALS

DIVISION II
No. CA11-596

WILLIAM VICKERS

APPELLANT

V.

SUDAN FARMING and AG-COMP SIF
APPELLEES

OPINION DELIVERED NOVEMBER 9, 2011

APPEAL FROM THE ARKANSAS
WORKERS' COMPENSATION
COMMISSION
[NO. F904712]

AFFIRMED

ROBERT J. GLADWIN, Judge

Appellant William Vickers appeals the April 15, 2011 decision of the Arkansas Workers' Compensation Commission that reversed an opinion of the Administrative Law Judge (ALJ) and found that appellant failed to prove that he sustained a compensable injury on May 19, 2009. 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



(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 reversed the decision of the ALJ, authored a well-reasoned opinion that adequately explains the decision, and the record contains a substantial quantum of evidence to support the decision. The Commission specifically acknowledged the changes in the most recent MRI and determined that the preponderance of the evidence did not support a finding that the May 19, 2009 incident caused those changes. Additionally, we find no error in the Commission's determinations that (1) Dr. Bell's notation did not indicate that appellant was suffering from lumbar spasms, and (2) the prescriptions issued by Dr. Bell were insufficient evidence of a new injury. 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.

VAUGHT, C.J., and MARTIN, J., agree.