

ARKANSAS COURT OF APPEALS

DIVISION IV

No. CA11-560

JOHN HOLLEMAN

APPELLANT

V.

HEDGER BROTHERS CONCRETE

APPELLEE

Opinion Delivered January 4, 2012

APPEAL FROM ARKANSAS
WORKERS' COMPENSATION
COMMISSION

[No. G003447]

AFFIRMED

LARRY D. VAUGHT, Chief Judge

Appellant John Holleman filed a claim for workers' compensation benefits alleging that he sustained a compensable injury to his back and leg when he fell from his concrete mixer truck. After a hearing, the Commission found that Holleman did not sustain a compensable injury. This appeal followed.

For reversal, Holleman contends that he proved by a preponderance of the credible evidence that he sustained a compensable injury to his back and leg. In effect, Holleman asks us to review the proof adduced at the hearing and to make our own determination of where the preponderance of the evidence lies. We are unable to do so, however, because our review of workers' compensation cases is limited to questions of law. Ark. Code Ann. § 11-9-711(b)(4) (Repl. 2002). It is not our function to determine the credibility of conflicting witnesses on appeal; instead, questions of credibility and the weight to be given the evidence are within the exclusive province of the Arkansas Workers' Compensation Commission. *Ark. Dep't of Health*



Cite as 2012 Ark. App. 1

v. Williams, 43 Ark. App. 169, 863 S.W.2d 583 (1993). Where, as here, the Commission denies a claim for failure to show entitlement to benefits, the substantial evidence standard of review applicable to workers' compensation cases requires that we affirm if the Commission's opinion displays a substantial basis for denial of relief. *Shaw v. Commercial Refrigeration*, 36 Ark. App. 76, 77, 818 S.W.2d 589, 590 (1991).

In the case at bar, the Commission denied benefits after noting that the record was replete with inconsistencies and contradictions between the testimony of the witnesses and the history given in the medical exhibits. The Commission, after giving specific examples of such inconsistencies and contradictions, resolved these questions of credibility in favor of appellee. This determination constitutes a substantial basis for denial of relief. *Id.*, 818 S.W.2d at 590. Because the Commission's opinion adequately explains its decision and displays a substantial basis for the denial of relief, we affirm by this 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.

GLADWIN and BROWN, JJ., agree.

Orr Willhite, PLC, by: *M. Scott Willhite*, for appellant.

Michael E. Ryburn, for appellees.