

ARKANSAS COURT OF APPEALS

DIVISION II
No. CA11-833

JESUS CASTANEDA

APPELLANT

V.

LEXICON, INC., and LIBERTY
INSURANCE CO.

APPELLEES

Opinion Delivered FEBRUARY 1, 2012

APPEAL FROM THE ARKANSAS
WORKERS' COMPENSATION
COMMISSION
[NO. F804013]

AFFIRMED

ROBIN F. WYNNE, Judge

Jesus Castaneda appeals from a decision of the Arkansas Workers' Compensation Commission wherein the Commission denied his claim for additional medical benefits. We affirm the decision of the Commission.

Appellant sustained an injury to his left knee on March 21, 2008, when his leg was caught between two rollers. On November 25, 2008, appellant underwent surgery to repair an anterior horn radial meniscus tear to the left knee. The operative report also notes the presence of very mild chondromalacia changes to the medial compartment of the knee.

Appellant's employer, Lexicon, Inc., and the employer's insurer, Liberty Insurance Company, controverted the compensability of appellant's left-knee injury. In an opinion filed on July 10, 2009, an administrative law judge found that appellant sustained a compensable medial meniscus tear in his left knee. In his opinion, the ALJ notes that appellant continued to experience pain after surgery for the meniscus tear and that appellant's treating physician,



r. Gruenwald, testified in his deposition that he was not aware of any objective findings that would cause appellant's ongoing pain complaints. The ALJ found that an additional MRI proposed by Dr. Gruenwald was not ordered as a result of appellant's compensable meniscus tear, but rather in connection with appellant's ongoing knee complaints of "unknown etiology." As a result, the proposed treatment was found not to be reasonably necessary for treatment of the compensable injury. The ALJ's July 10, 2009 opinion was not appealed.

Appellant requested and was granted a change of physician to Dr. Kenneth Martin. A March 10, 2010 report from Dr. Martin notes that appellant was status post arthroscopy with a partial medial meniscectomy. The report also notes that appellant has chondromalacia of the patellofemoral articulation and medial femoral condyle with continued left-knee pain due to chondromalacia and resulting synovitis. Dr. Martin recommended a trial of visco supplementation and a medial unloader brace. Appellees denied the additional treatment, and a hearing was held on the issue before the ALJ.

In an opinion filed on February 1, 2011, the ALJ found that appellant failed to prove that the treatment recommended by Dr. Martin is reasonably necessary in connection with his compensable medial meniscus injury. In so finding, the ALJ stated that he understood that Dr. Martin was recommending the treatment for pain caused by chondromalacia and resulting synovitis, not the medial meniscus tear that had previously been found to be compensable. The ALJ further noted that none of appellant's physicians related the chondromalacia or the synovitis to the March 21, 2008 injury, despite the fact that the chondromalacia was present at the time of appellant's surgery. The ALJ further stated that Dr. Martin's March 10, 2010



report does not indicate whether the brace was recommended for treatment of the meniscal tear or the chondromalacia and synovitis. Appellant appealed to the Commission, which affirmed and adopted the decision of the ALJ. Appellant has now appealed to this court from that decision.

In reviewing a decision of the Workers' Compensation Commission, this court views the evidence and all reasonable inferences deducible therefrom in the light most favorable to the Commission's findings and affirms those findings if they are supported by substantial evidence, which is evidence a reasonable person might accept as adequate to support a conclusion. *Parker v. Comcast Cable Corp.*, 100 Ark. App. 400, 269 S.W.3d 391 (2007). This court will not reverse the Commission's decision unless it is convinced that fair-minded people with the same facts before them could not have reached the same conclusions reached by the Commission. *Smith v. County Market/Southeast Foods*, 73 Ark. App. 333, 44 S.W.3d 737 (2001). In a case such as this one, where the Commission denies benefits because a claimant failed to meet his or her burden of proof, we affirm if the Commission's decision displays a substantial basis for the denial of relief. *Crudup v. Regal Ware, Inc.*, 341 Ark. 804, 20 S.W.3d 900 (2000).

Appellant argues on appeal that the Commission's decision that the treatment recommended by Dr. Martin is not reasonably necessary in connection with his compensable injury is not supported by substantial evidence. "An employer shall promptly provide for an injured employee such medical . . . services . . . as may be reasonably necessary in connection with the injury received by the employee." Ark. Code Ann. § 11-9-508(a) (Supp. 2007).



The employee has the burden of proving by a preponderance of the evidence that medical treatment is reasonable and necessary. *Wal-Mart Stores, Inc. v. Brown*, 82 Ark. App. 600, 120 S.W.3d 153 (2003). What constitutes reasonably necessary treatment is a question of fact for the Commission, which has the duty to use its expertise to determine the soundness of medical evidence and to translate it into findings of fact. *Hamilton v. Gregory Trucking*, 90 Ark. App. 248, 205 S.W.3d 181 (2005). A claimant may be entitled to ongoing medical treatment after the healing period has ended if the treatment is geared toward management of the compensable injury. *Patchell v. Wal-Mart Stores, Inc.*, 86 Ark. App. 230, 184 S.W.3d 31 (2004).

We hold that the Commission's opinion displays a substantial basis for the denial of the requested medical benefits. The first ALJ opinion, which was not appealed, specifically found that appellant's medial meniscus injury was compensable. Although the chondromalacia, which, according to Dr. Martin's report resulted in the synovitis, was present at the time of the surgery to repair the meniscus tear, Dr. Gruenwald did not link the chondromalacia and appellant's 2008 accident. Dr. Martin's report clearly states that appellant's pain is due to the chondromalacia and synovitis. There is no indication from the record that any of the treatment recommended by Dr. Martin was recommended in connection with the injury that was determined to be compensable. Nor is there any medical evidence linking appellant's current symptoms to his compensable injury. Based upon the record in this case, reasonable persons could conclude that appellant failed to prove that the requested medical treatment is



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reasonably necessary in connection with his compensable injury. The decision of the Commission is therefore affirmed.

Affirmed.

HART and GLADWIN, JJ., agree.

Law Office of Simimons S. Smith, by: *Simmons S. Smith*, for appellant.

Dover Dixon Horne PLLC, by: *Joseph H. Purvis*, for appellees.