

ARKANSAS COURT OF APPEALS

DIVISION IV
No. CA11-844

JOHN G. BRYANT

APPELLANT

V.

HICKS WELL SERVICE, FARMERS &
MERCHANTS INSURANCE CO., and
PERMANENT & TOTAL DISABILITY
BANK FUND

APPELLEES

Opinion Delivered February 22, 2012

APPEAL FROM THE ARKANSAS
WORKERS' COMPENSATION
COMMISSION,
[NO. E021330]

AFFIRMED

RITA W. GRUBER, Judge

This workers' compensation case arose in 1990 when John G. Bryant suffered a compensable injury to his back, fracturing the L1 transverse process in a fall from a derrick. In 1993, he received a 20% permanent impairment rating and benefits for permanent total disability. At an August 2010 hearing before an administrative law judge, the respondents stipulated that they would reimburse pharmaceutical costs, mileage, and medical bills they had previously controverted, but they contested Mr. Bryant's claim that a recently recommended lumbar-fusion surgery was reasonably necessary medical treatment and causally related to his compensable injury. The law judge awarded the claim, but the Commission reversed. Mr. Bryant now appeals, contending that the Commission's decision was not supported by substantial evidence. We affirm.

The Commission may accept and translate into findings of fact only those portions of



the testimony that it deems worthy of belief, and the appellate court defers to the Commission on issues involving the weight of the evidence and the credibility of witnesses. *Cedar Chem. Co. v. Knight*, 372 Ark. 233, 273 S.W.3d 473 (2008); *Freeman v. Con-Agra Frozen Foods*, 344 Ark. 296, 40 S.W.3d 760 (2001). The question on appeal is not whether we would have reached the same conclusion as the Commission did had we been charged with the duty of finding the facts. *Maupin v. Pulaski Cnty. Sheriff's Office*, 90 Ark. App. 1, 203 S.W.3d 668 (2005). Where, as here, the Commission has denied a claim because of the claimant's failure to meet his burden of proof, the substantial-evidence standard of review requires that we affirm if the Commission's opinion displays a substantial basis for the denial of relief. *Parson v. Ark. Methodist Hosp.*, 103 Ark. App. 178, 287 S.W.3d 645 (2008).

The denial of Mr. Bryant's claim turned on the resolution of conflicting medical evidence found in various statements of Dr. Bernard Crowell, who recommended the fusion surgery in 2010, and in previous medical records when earlier doctors had not recommended surgery. The Commission gave specific examples of these differences, found that the earlier opinions of Dr. G. Morrison Henry and Dr. Walter J. Giller were entitled to more weight than the opinion of Dr. Crowell, and concluded that Mr. Bryant's need for surgery was not caused by his 1990 injury. This determination constitutes a substantial basis for the denial of Mr. Bryant's claim. *Parson, supra*. Because the Commission's opinion adequately explains its decision and displays a substantial basis for the denial of relief, we affirm by memorandum opinion pursuant to our per curiam *In re: Memorandum Opinions*, 16 Ark. App. 301, 700 S.W.2d 63 (1985). *See also* Ark. Sup. Ct. R. 5-2(e) (2011).



Cite as 2012 Ark. App. 170

Affirmed.

VAUGHT, C.J., and GLOVER, J., agree.

Frye Law Firm, P.A., by: *William C. Frye*, for appellant.

Jensen Young & Houston, PLLC, by: *Terence C. Jensen*, for appellee.