

ARKANSAS COURT OF APPEALS

DIVISION I
No. CA11-1302

ANDREW VINCENT

APPELLANT

V.

MAVERICK TUBE and
SENTRY INSURANCE

APPELLEE

Opinion Delivered September 5, 2012

APPEAL FROM THE ARKANSAS
WORKERS' COMPENSATION
COMMISSION
[NO. F707202]

AFFIRMED

RITA W. GRUBER, Judge

Andrew Vincent appeals the June 2011 decision of the Arkansas Workers' Compensation Commission that denied a claim for additional benefits related to his compensable back injury, which occurred in 2007 when he stopped a piece of heavy pipe that was rolling toward a coworker. Mr. Vincent contends that the Commission arbitrarily disregarded evidence when it found that (1) he failed to prove that kyphoplasty procedures at the T7-T8 levels of the spine, recommended by Dr. Kenneth Tonymon, were reasonably necessary in connection with treatment of the injury; and (2) the healing period ended no later than May 12, 2009, when appellees had terminated temporary total-disability payments. We disagree with appellant's arguments and affirm.

The two points on appeal are interrelated. Mr. Vincent correctly notes that his healing period cannot have ended if the requested treatment is found reasonably necessary for



Cite as 2012 Ark. App. 460

treatment of his compensable injury. Because we affirm the Commission's finding in this case that the treatment was not reasonably necessary, his challenge to the healing period is rendered moot.

The Commission has a 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), and may accept and translate into the findings of fact only those portions of the testimony the Commission deems worthy of belief. *Cedar Chem. Co. v. Knight*, 372 Ark. 233, 273 S.W.3d 473 (2008). It is the Commission's duty rather than ours to make credibility determinations, to weigh the evidence, and to resolve conflicts in medical opinions, evidence, and testimony. *Balch v. Sebastian Cnty.*, 2012 Ark. App. 210.

Appellant's claim for additional benefits turned on the Commission's interpretation of medical evidence and its resolution of several doctors' conflicting opinions. The Commission's opinion includes a comprehensive review of the evidence, medical and otherwise, and more than adequately explains its decision. We therefore issue this memorandum opinion affirming the decision. *In re Memorandum Opinions*, 16 Ark. App. 301, 700 S.W.2d 63 (1985).

Affirmed.

PITTMAN and HOOFMAN, JJ., agree.

Glenn Lovett, Jr., PLC, by: *Glenn Lovett, Jr.*, for appellant.

Worley, Wood & Parrish, P.A., by: *Jarrod S. Parrish*, for appellees.