

ARKANSAS COURT OF APPEALS

DIVISION IV
No. CA12-512

CASONDRA DOKES

APPELLANT

V.

SMART STYLE

APPELLEE

Opinion Delivered December 12, 2012

APPEAL FROM THE ARKANSAS
WORKERS' COMPENSATION
COMMISSION [NO. F902928]

AFFIRMED

JOHN MAUZY PITTMAN, Judge

Appellant Casondra Dokes worked for appellee Smart Style as a hairstylist when she slipped and sustained a compensable back injury. After medical treatment was provided, appellant filed a claim for permanent-partial disability benefits based on her compensable injury. The Commission denied benefits, concluding that appellant failed to prove that she sustained a permanent impairment as a result of her compensable injury. Appellant argues that the Commission's findings are not supported by substantial evidence. We find no error and affirm.

Here, the only substantial question on appeal is the sufficiency of the evidence. The crucial inquiry is whether an annular fissure discovered in a post-injury MRI mandates an award of a permanent-partial impairment rating of five percent as set out in the AMA Guides. The answer to this question is no. Appellant must prove that the annular tear resulted from the compensable injury before she is entitled to an impairment rating resulting



from that tear, and the determination of whether a causal connection exists is a fact question for the Commission to determine. *Carter v. Flintrol*, 19 Ark. App. 317, 720 S.W.2d 337 (1986). Here, two physicians opined that the tear was asymptomatic and was not caused by appellant's compensable work 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). The Commission could reasonably have concluded that the two physicians were correct and that appellant therefore sustained no work-related anatomical impairment. Because the only substantial question on appeal is sufficiency and because the Commission's opinion adequately explains its decision, 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.

WYNNE and HOOFFMAN, JJ., agree.

Kenneth A. Olsen, for appellant.

Michael E. Ryburn, for appellee.