

ARKANSAS COURT OF APPEALS

DIVISION I
No. CA12-77

DAWN L. ASHCRAFT

APPELLANT

V.

WHITE RIVER MEDICAL CENTER;
RISK MANANGEMENT RESOURCES
APPELLEES

OPINION DELIVERED JANUARY 23, 2013

APPEAL FROM THE ARKANSAS
WORKERS' COMPENSATION
COMMISSION
[NO. F901440]

AFFIRMED

ROBERT J. GLADWIN, Chief Judge

Appellant Dawn L. Ashcraft sustained a compensable injury to her left leg, from hip to knee, while working for appellee White River Medical Center. This injury was accepted by appellees who paid for medical and indemnity benefits until they denied additional benefits around April 3, 2009.

On or about March 20, 2009, some forty-seven days, five doctors' visits, and eight physical-therapy sessions after the February 1, 2009 accident, appellant complained of back pain and claimed that it occurred as a result of the February 1, 2009 injury. Her claims went to a full hearing before the Administrative Law Judge (ALJ) on February 22, 2011. By an opinion filed May 20, 2011, the ALJ found that, in addition to suffering an admittedly compensable left-leg injury on February 1, 2009, appellant also suffered a compensable injury to her back on that date. Appellees appealed this finding to the Workers' Compensation



Cite as 2013 Ark. App.

Commission, which partially reversed the ALJ and found that appellant had not sustained a compensable back injury. Appellant timely filed her appeal to this court.

Appellant argues three points on appeal, two of them going to the constitutionality of various aspects of the Arkansas Workers' Compensation Act. We cannot address these constitutional issues because they were neither presented to, nor decided by, the Commission, and therefore are not properly before us.¹ *Johnson v. Batesville Nursing & Rehab.*, 2011 Ark. App. 518; *Johnson v. Hux*, 28 Ark. App. 187, 772 S.W.2d 362 (1989). The remaining issue concerns the sufficiency of the evidence to support the Commission's findings. Because the Commission's opinion adequately explains its decision and because we conclude that the Commission's findings are supported by substantial evidence, we affirm by memorandum opinion. *In re Memorandum Opinions*, 16 Ark. App. 301, 700 S.W.2d 63 (1985).

Affirmed.

PITTMAN and VAUGHT, JJ., agree.

Frederick S. "Rick" Spencer, for appellant.

Walmsley Law Firm, by: Bill H. Walmsley; and Murphy, Thompson, Arnold, Skinner & Castleberry, by: Casey Castleberry, for appellees.

¹We note that the constitutional arguments raised by appellant's attorney have been rejected by this court many times. *E.g.*, *Sykes v. King Ready Mix, Inc.*, 2011 Ark. App. 271; *Rippe v. Delbert Hooten Logging*, 100 Ark. App. 227, 266 S.W.3d 217 (2007); *Murphy v. Forsgren, Inc.*, 99 Ark. App. 223, 258 S.W.3d 794 (2007); *Stutzman v. Baxter Healthcare Corp.*, 99 Ark. App. 19, 256 S.W.3d 524 (2007); *Long v. Wal-Mart Stores, Inc.*, 98 Ark. App. 70, 250 S.W.3d 263 (2007); *Stiger v. State Line Tire Serv.*, 72 Ark. App. 250, 35 S.W.3d 335 (2000). However, appellant's attorney does not acknowledge these precedents, much less make any attempt to distinguish them or present any argument that they should be overruled. *See White v. Priest*, 348 Ark. 135, 73 S.W.3d 572 (2002).