

ARKANSAS COURT OF APPEALS

DIVISION III

No. CA12-194

BETTY BOYKIN

APPELLANT

V.

CROCKETT ADJUSTMENT
INSURANCE AND CENTRAL
MOLONEY, INC.

APPELLEES

Opinion Delivered March 6, 2013

APPEAL FROM THE ARKANSAS
WORKERS' COMPENSATION
COMMISSION
[NOS. F606715, F603787]

AFFIRMED

ROBIN F. WYNNE, Judge

Betty Boykin has filed a pro se appeal from the Arkansas Workers' Compensation Commission's (Commission) opinion finding that she failed to prove that she had sustained any permanent anatomical impairment as a result of her compensable injuries.¹ We affirm.

Appellant began working for the appellee-employer in 1978. Her last day of work was January 18, 2006, after which she was treated for bilateral carpal-tunnel syndrome. Dr. Alan Pollard performed a right carpal-tunnel release in July 2006 and a left carpal-tunnel release and ulnar-nerve decompression in September 2008.

After a hearing, an administrative law judge (ALJ) opinion filed in October 2008 found that appellant had proved that she had sustained a gradual-onset injury, which was the major cause of disability or need for treatment; authorized appellant to return to Dr. Pollard for

¹Appellant has filed a substituted brief after this court ordered rebriefing. *Boykin v. Crockett Adjustment Ins.*, 2012 Ark. App. 685.



additional treatment to her left arm with appellees to pay all medical expenses; and awarded temporary total-disability benefits from July 14 to August 21, 2006, based on Dr. Pollard's records indicating that she remained in her healing period and was unable to work. The ALJ found that appellant's claim that she had sustained a compensable back injury was barred by the statute of limitations. The ALJ further ordered appellees to send Dr. Pollard a Form AR-3 Physicians Report to obtain his opinion regarding the healing period, work restrictions, and any permanent impairment. In an opinion filed June 19, 2009, the Commission affirmed and adopted this 2008 ALJ opinion. Appellant did not appeal from that decision.

In December 2008, Dr. Pollard signed a Form AR-3 Physician's Report in which he indicated that appellant had reached maximum medical improvement and the end of her healing period on October 20, 2008. He further indicated that appellant had suffered no permanent impairment due to her work-related injuries.

Complaining of continued pain and numbness in her hands, appellant was later treated by Dr. Michael M. Moore. Dr. Moore examined appellant on July 30, 2009, and noted that her clinical history and physical examination "may be consistent with recurrent bilateral carpal tunnel syndrome. In addition, she has . . . stenosing tenosynovitis of the left thumb." He referred appellant to neurologist Reginald Rutherford for a neurologic evaluation including a nerve conduction and EMG study. Dr. Rutherford found mild left carpal-tunnel syndrome. He stated, "Present changes most likely represent residua related to prior carpal tunnel syndrome and incomplete recovery of nerve function post-operatively rather than recurrent carpal tunnel syndrome. Diagnostic left carpal tunnel injection is recommended to assess whether or not changes noted on present testing are clinically significant." In a letter dated



August 20, 2009, Dr. Moore stated that “[t]he impairment of Ms. Boykin’s left hand following the left carpal tunnel release is 10%” in accordance with the AMA Guides, Fourth Edition. In a letter dated December 15, 2009, Dr. Moore wrote that appellant’s “left median nerve could continue to recover. If a repeat nerve conduction study of the left median nerve revealed the nerve had recovered normal function, the impairment would be 0%.” During his deposition, Dr. Pollard disagreed with Dr. Moore’s impairment rating, stating that he saw no objective basis for it.

On May 25, 2011, a hearing was held before an ALJ on the issues of appellant’s entitlement to additional temporary total-disability payments and to permanent partial-disability benefits, which resulted in a written opinion dated August 23, 2011. On January 18, 2012, the Commission filed an opinion affirming in part and reversing in part the ALJ’s 2011 opinion. The Commission affirmed the part of the opinion requiring appellees to pay all medical expenses related to appellant’s carpal-tunnel syndrome; it reversed the ALJ’s finding that appellant was entitled to compensation for a ten-percent permanent anatomical impairment. The Commission expressly credited the opinion of Dr. Pollard and gave it more weight than the opinion of Dr. Moore. Appellant filed a timely notice of appeal on February 8, 2012.

Pro se appellants receive no special consideration of their argument and are held to the same standard as a licensed attorney. *Bell v. Bank of Am., N.A.*, 2012 Ark. App. 445, at 4, 422 S.W.3d 138, 141. We will not develop an issue for a party at the appellate level. *Alexander v. McEwen*, 367 Ark. 241, 248, 239 S.W.3d 519, 524–25 (2006). We do not consider assignments of error that are unsupported by convincing legal authority or argument unless



it is apparent without further research that the argument is well taken. *Tyrone v. Dennis*, 73 Ark. App. 209, 215, 39 S.W.3d 800, 803 (2001).

Here, as best we can determine, appellant raises the following arguments on appeal: (1) the Commission erred in denying her 2008 petition for change of physician; (2) the Commission erred in crediting Dr. Pollard's opinion over that of Dr. Moore and arbitrarily disregarding Dr. Moore's opinion; (3) the ALJ erred in sustaining the appellees' objection to certain testimony by appellant's friend; and (4) the Commission's decision was arbitrary and capricious and constitutes an abuse of discretion. She also makes reference to the denial of her claim for a back injury. The only issue that is properly before us is the denial of benefits for permanent partial impairment. We hold that Dr. Pollard's opinion provides substantial evidence to support the Commission's decision. The Commission has the duty of weighing medical evidence, and the resolution of conflicting evidence is a question of fact for the Commission. *Se. Ark. Human Dev. Ctr. v. Courtney*, 99 Ark. App. 87, 257 S.W.3d 554 (2007). It is well settled that the Commission has the authority to accept or reject medical opinion and the authority to determine its medical soundness and probative force. *Id.* This is a classic "dueling-doctors" case, in which this court is bound by the Commission's findings.

Affirmed.

GLADWIN, C.J., and HIXSON, J., agree.

Betty Boykin, pro se appellant.

Bridges, Young, Matthews & Drake, PLC, by: *Michael J. Dennis*, for appellees.