

**ARKANSAS COURT OF APPEALS**

DIVISION III  
No. CA12-1045

DARBY BOLUS

APPELLANT

V.

JACK CECIL HARDWARE AND  
EMPLOYERS MUTUAL CASUALTY  
APPELLEES

Opinion Delivered May 1, 2013

APPEAL FROM THE ARKANSAS  
WORKERS' COMPENSATION  
COMMISSION  
[NO. G008134]

AFFIRMED

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**RITA W. GRUBER, Judge**

This workers' compensation case concerns a compensable injury that Darby Bolus, appellant, suffered to her lower back when she tripped over a forklift during her work at Jack Cecil Hardware on May 5, 2010. The Arkansas Workers' Compensation Commission (Commission) denied her subsequent claim for wage-loss disability above her nine-percent anatomical-impairment rating and for temporary total-disability benefits from August 18, 2011, through December 14, 2011. Appellant contends on appeal that no substantial evidence supports the denial of wage-loss disability. We affirm the Commission's decision.

It is the Commission's duty, not ours, to make credibility determinations, to weigh the evidence, and to resolve conflicts in the medical opinions, evidence, and testimony. *Adams v. Bemis Co.*, 2010 Ark. App. 859, at 2.<sup>1</sup> Where the Commission has denied a claim because

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<sup>1</sup>Appellant's counsel cites *Tyson Poultry Inc. v. Narvaiz*, 2012 Ark. 118, 388 S.W.3d 16, to propose that a determination of wage-loss disability under Ark. Code Ann. § 11-9-522(B)(1) (Repl. 2012) "is not to be made until after an injured worker reaches maximum



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of the claimant's failure to meet her 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). Because this is the sole issue now before us, and because the Commission's opinion adequately explains the decision, we affirm by memorandum opinion. *In re Memorandum Opinions*, 16 Ark. App. 301, 700 S.W.2d 63 (1985) (per curiam).

Affirmed.

HARRISON and BROWN, JJ., agree.

*Walker, Shock & Harp, PLLC*, by: *Eddie H. Walker, Jr.*, for appellant.

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

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medical improvement.” It is not apparent to us that this argument was raised to the Commission. See *St. Edward Mercy Med. Ctr. v. Chrisman*, 2012 Ark. App. 475, 422 S.W.3d 171 (noting that in order to preserve an issue for appellate review, a party must present the issue to the Commission and obtain a ruling). At any rate, we rejected counsel's proposal in a recent case, *Meadows v. Tyson Foods, Inc.*, 2013 Ark. App. 182 (noting that *Narvaiz* dealt with Arkansas Code Annotated section 11-9-526 rather than section 11-9-522, which contains no element of reaching maximum medical improvement).