

# ARKANSAS COURT OF APPEALS

DIVISION IV  
No. CV-13-57

CLIFFORD RICH

APPELLANT

V.

QUALSERV CORPORATION and  
THE HARTFORD INSURANCE CO.

APPELLEES

**Opinion Delivered** September 18, 2013

APPEAL FROM THE ARKANSAS  
WORKERS' COMPENSATION  
COMMISSION  
[NO. F903764]

AFFIRMED

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**RITA W. GRUBER, Judge**

In *Qualserv v. Rich*, 2011 Ark. App. 548, an appeal brought by Qualserv, we affirmed a decision of the Arkansas Workers' Compensation Commission in which it found that Clifford Rich's exposure to carbide dust in the workplace temporarily aggravated his pre-existing chronic obstructive pulmonary disease (COPD). Mr. Rich brings the present appeal from a subsequent decision of the Commission on his claims for disability benefits and additional medical treatment. He contends that there is no substantial evidence to support (1) the Commission's finding that the aggravation ended March 3, 2010, foreclosing entitlement to additional medical treatment; or (2) its determination that he is not entitled to additional temporary-disability benefits. We disagree and affirm.

The issue before the Commission in the present case was whether Mr. Rich's 2008 compensable injury, a temporary aggravation of his pre-existing COPD, resulted in subsequent entitlement to temporary total-disability benefits and additional medical treatment.

The Commission noted that the temporary aggravation was caused by Mr. Rich's inhaling carbide dust in the workplace; that the exposure ceased when he left employment in 2009; that he had a thirty-year history of heavy cigarette smoking before the temporary aggravation; that Dr. Richard Melin was unable to causally relate Rich's current breathing problems to the 2008 aggravation; and that both Dr. Melin and the advanced practical nurse testified that COPD is a progressive disease, that there is no cure, and that shortness of breath is one of its symptoms.

The appellate court views the evidence in the light most favorable to the Commission's decision, which will be affirmed when it is supported by substantial evidence; we will affirm if fair-minded persons with the same facts before them could have reached the conclusions of the Commission. *Parker v. Comcast Cable Corp.*, 100 Ark. App. 400, 269 S.W.3d 391 (2007). Because the sole issue before us concerns the sufficiency of the evidence to support the Commission's findings, 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).

Affirmed.

HIXSON and WOOD, JJ., agree.

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

*Smith, Williams & Meeks, LLP*, by: *Charles H. Crocker, Jr.* and *Gene Williams*, for appellees.