

ARKANSAS COURT OF APPEALS

DIVISION IV
No. CV-13-329

LINDA DART

APPELLANT

V.

SECOND INJURY FUND,
ST. EDWARD MERCY
FOUNDATION,
MERCY HEALTH CENTER, and
DEATH & PERMANENT TOTAL
DISABILITY TRUST FUND

APPELLEES

Opinion Delivered: October 9, 2013

APPEAL FROM ARKANSAS
WORKERS' COMPENSATION
COMMISSION
[NO. F613791]

AFFIRMED

RHONDA K. WOOD, Judge

Linda Dart appeals from a Workers' Compensation Commission's decision that awarded her a 40 percent wage-loss disability. Dart argues that she is, instead, totally and permanently disabled. However, the Commission's decision was supported by substantial evidence, and we affirm.

Dart is 61 years old and has an associate's degree in nursing. Dart's most recent position was team leader in the labor and delivery hospital section. Dart suffered a compensable back injury in 2006, and the Commission awarded surgery and treatment. That surgery included a lumbar fusion. Dart continues to undergo steroid injections every three months because of nerve damage caused by the surgery.

Dart testified that, as a result of the injury and surgery, she can only sit for 15–20 minutes, that she is unable to work, and that her mobility has been vastly diminished. Dart also admitted that she receives social-security-disability and long-term-disability benefits. No functional capacity evaluation was presented at the hearing, and the only other evidence that supports Dart’s contention that she cannot work was not admitted into evidence before the Commission. Further, the Commission found that Dart’s testimony contradicted her earlier deposition testimony and, accordingly, gave little weight to her statements about being unable to work.

Dart essentially argues that we should ignore the Commission’s evidentiary weight and credibility determinations. But here, the Commission exercised its duty to make determinations of credibility, to weigh the evidence, and to resolve conflicts in medical testimony and evidence. *Martin Charcoal, Inc. v. Britt*, 102 Ark. App. 252, 284 S.W.3d 91 (2008). 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); *Ark. Methodist Med. Ctr. v. Blansett*, 2013 Ark. App. 480.

Affirmed.

GRUBER and HIXSON, JJ., agree.

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

David L. Pake, for appellees.