

# ARKANSAS COURT OF APPEALS

DIVISION III  
No. CV-13-500

CLIFF ERNEST CONTANT  
APPELLANT

V.

RETENTION MANAGEMENT  
SERVICES; MARLIN TRANSIT, INC.;  
and DEATH & PERMANENT TOTAL  
DISABILITY FUND

APPELLEES

Opinion Delivered November 6, 2013

APPEAL FROM THE ARKANSAS  
WORKERS' COMPENSATION  
COMMISSION  
[NO. G103936]

AFFIRMED

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**ROBERT J. GLADWIN, Chief Judge**

This appeal follows the February 12, 2013 decision of the Workers' Compensation Commission (Commission) that affirmed the August 2, 2012 opinion of the Administrative Law Judge (ALJ) awarding appellant, Cliff Contant, wage-loss disability benefits in an amount equal to a seventeen-percent impairment in addition to the eight-percent anatomical impairment rating assigned to the body as a whole.<sup>1</sup> Contant argues that substantial evidence does not support the Commission's decision. We find no error and issue this memorandum opinion affirming the Commission's decision. *See In re Memorandum Opinions*, 16 Ark. App. 301, 700 S.W.2d 63 (1985).

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<sup>1</sup>Appellees filed a notice of cross-appeal from the ALJ's opinion but did not pursue their cross-appeal from the Commission's opinion.

Memorandum opinions may be issued in any or all of the following cases:

- (a) Where the only substantial question involved is the sufficiency of the evidence;
- (b) Where the opinion, or findings of fact and conclusions of law, of the trial court or agency adequately explain the decision and we affirm;
- (c) Where the trial court or agency does not abuse its discretion and that is the only substantial issue involved; and
- (d) Where the disposition of the appeal is clearly controlled by a prior holding of this court or the Arkansas Supreme Court and we do not find that our holding should be changed or that the case should be certified to the supreme court.

*Id.* at 302, 700 S.W.2d at 63.

This case falls squarely within categories (a) and (b). The only substantial question on appeal is whether the Commission's decision was supported by sufficient evidence. The Commission's opinion, which we affirm, adequately explains its decision.

It is the Commission's duty, not ours, to make credibility determinations, to weigh the evidence, and to resolve conflicts in the medical testimony and evidence. *Jaramillo v. Sys. Contracting*, 2012 Ark. App. 200. We therefore affirm the Commission's decision by memorandum opinion pursuant to sections (a) and (b) of our per curiam, *In re Memorandum Opinions, supra*.

Affirmed.

PITTMAN and WOOD, JJ., agree.

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

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