

# ARKANSAS COURT OF APPEALS

DIVISION IV  
No. CV-13-369

TANGO TRUCK SERVICES, INC.,  
MIDWEST EMPLOYERS CASUALTY  
COMPANY, and YORK RISK  
SERVICE GROUP, INC.

APPELLANTS

V.

HERSCHEL SKINNER; DEATH &  
PERMANENT TOTAL DISABILITY  
TRUST FUND

APPELLEES

Opinion Delivered November 20, 2013

APPEAL FROM THE ARKANSAS  
WORKERS' COMPENSATION  
COMMISSION  
[NO. G006774]

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 and adopted the ALJ's August 23, 2012 opinion finding that appellee Herschel Skinner was permanently and totally disabled as a result of the injury he sustained to his right foot on June 10, 2010, and granting him permanent total-disability benefits, and temporary total-disability benefits for the periods June 10, 2010, to July 13, 2010, and April 6, 2011, through June 10, 2011, and an anatomical-impairment rating of fifty-three percent to the foot. Appellants argue 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).

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.

WALMSLEY and GRUBER, JJ., agree.

*Mayton, Newkirk & Jones*, by: *Mike Stiles*, for appellants.

*Fogleman, Rogers & Coe*, by: *Joe M. Rogers*, for appellee.