

# ARKANSAS COURT OF APPEALS

DIVISION I  
No. CV-15-579

SISTERS OF MERCY HEALTH  
SYSTEM AND ST. MARY ROGERS  
MEMORIAL HOSPITAL  
APPELLANTS

V.

JAMES FOUTS  
APPELLEE

Opinion Delivered January 27, 2016

APPEAL FROM THE ARKANSAS  
WORKERS' COMPENSATION  
COMMISSION [NO. G101582]

AFFIRMED

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## PHILLIP T. WHITEAKER, Judge

Sisters of Mercy Health System and St. Mary Rogers Memorial Hospital appeal a decision by the Arkansas Workers' Compensation Commission ("Commission") that James Fouts, who suffered an admittedly compensable, lower-back injury resulting in a 26% disability rating to the body as a whole, was permanently and totally disabled and awarded him benefits. On appeal, appellants argue that there was insufficient evidence that Fouts's back injury was the major cause of his disability or that he was incapable of earning any meaningful wages, and, therefore, the Commission's determination that he was permanently and totally disabled was not supported by substantial evidence. Having reviewed the evidence presented, we disagree and affirm by issuing this memorandum opinion.

We may issue memorandum opinions in any or all of the following cases:

- (a) Where the only substantial question involved is the sufficiency of the evidence;



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- (b)
- (c) Where the opinion, or findings of fact and conclusions of law, of the trial court or agency adequately explain the decision and we affirm;
- (d) Where the trial court or agency does not abuse its discretion and that is the only substantial issue involved; and
- (e) 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.

*In re Memorandum Opinions*, 16 Ark. App. 301, 700 S.W.2d 63 (1985).

This case falls within categories (a) and (b). The only substantial question on appeal is whether the Commission's opinion was supported by sufficient evidence. A review of the record reflects that it was. Further, the opinion of the administrative law judge, adopted by the Commission, adequately explained the decision reached. Accordingly, we affirm by memorandum opinion.

Affirmed.

GRUBER and HOOFFMAN, JJ., agree.

*Anderson, Murphy & Hopkins, L.L.P.*, by: *Randy P. Murphy*, for appellant.

*Wren Law Firm*, by: *Whitney B. James*, for appellee.