

**ARKANSAS COURT OF APPEALS**

DIVISION I

No. CA10-765

ST. MARY – ROGERS MEMORIAL  
HOSPITAL

APPELLANT

V.

KAREN HENDERSON

APPELLEE

**Opinion Delivered** January 26, 2011

APPEAL FROM THE ARKANSAS  
WORKERS' COMPENSATION  
COMMISSION [NO. F800254]

AFFIRMED

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**JOHN MAUZY PITTMAN, Judge**

Appellee sustained an admittedly compensable injury when she fell while carrying out her duties as an intensive-care nurse in the employ of appellant hospital. After a hearing, the administrative law judge found that appellee had sustained an anatomical impairment of three percent and wage-loss disability of twenty-five percent, and awarded her permanent partial disability benefits of twenty-eight percent. The Arkansas Workers' Compensation Commission affirmed and adopted as its own the administrative law judge's findings and opinion. On appeal, appellant asserts that the Commission's decision is not supported by substantial evidence. We affirm.

In determining the sufficiency of the evidence to support decisions of the Commission, we view the evidence and all reasonable inferences deducible therefrom in the light most favorable to the Commission's findings and affirm if they are supported by substantial

evidence, *i.e.*, evidence that a reasonable person might accept as adequate to support a conclusion. *Dotson v. Little Rock National Airport*, 2009 Ark. App. 820. We will not reverse the Commission's decision unless we are convinced that fair-minded persons with the same facts before them could not have reached the conclusions arrived at by the Commission. *Wal-Mart Stores, Inc. v. Sands*, 80 Ark. App. 51, 91 S.W.3d 93 (2002).

Appellant argues that the evidence is insubstantial because there was contrary medical evidence as to the extent of disability and because the Commission drew the wrong inferences from the evidence regarding wage-loss factors. These arguments are irrelevant to a determination of evidentiary sufficiency and are merely matters of weight and credibility that are entirely within the purview of the Commission. *Gaither Appliance v. Stewart*, 103 Ark. App. 276, 284 S.W.3d 57 (2008). Clearly, the medical-opinion evidence relied upon by the Commission in this case, though disputed, was substantial evidence to support the finding of the degree of anatomical disability. The opinion of appellant's treating physician was afforded greater weight than the opinion of a physician whose testimony was based on a records review. When the Commission, as here, chooses to credit the testimony of one physician over that of another, we are powerless to reverse the Commission's findings. *Henson v. Club Products*, 22 Ark. App. 136, 736 S.W.2d 290 (1987). The evidence supporting the assignment of wage loss was likewise clearly substantial. Appellant was fifty-six years of age and under medical restrictions that prevented her from returning to nursing. Given her physical limitations, she was currently employed by appellant as a charge capture analyst, earning \$9.00

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per hour less than the \$28.50 she had earned as a nurse. We hold that the Commission's findings are supported by substantial evidence, and we affirm.

Affirmed.

GLADWIN and ABRAMSON, JJ., agree.