

ARKANSAS COURT OF APPEALS

DIVISION I
No. CA10-891

EASTERN TANK SERVICE
APPELLANT

V.

ALTON BROWN
APPELLEE

Opinion Delivered February 16, 2011

APPEAL FROM THE ARKANSAS
WORKERS' COMPENSATION
COMMISSION [NO. F809634]

AFFIRMED

JOHN MAUZY PITTMAN, Judge

The appellee in this workers' compensation case, who had a prior compensable shoulder injury while working for another employer, filed a claim for temporary total disability benefits after he sustained a massive rotator-cuff tear while working for appellant. The parties stipulated to anatomical disability of fifteen percent, and the Commission awarded an additional fifteen percent in wage-loss disability. On appeal, appellant argues that the Commission erred in so doing because substantial evidence was lacking to show that the most recent injury was the major cause of his decrease in earning capacity. We affirm.

In a similar case, we said:

[W]e disagree with the Commission's finding that "major cause" cannot be established in a situation in which a claimant was symptom-free prior to the work-related aggravation of a preexisting condition. A claimant is required to prove that the work-related injury is the major cause of the disability or need for treatment. But for the work-related injury in this case, there

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would have been no disability or need for treatment.

Parker v. Atlantic Research Corp., 87 Ark. App. 145, 153, 189 S.W.3d 449, 454 (2004). Just as in *Parker*, there was evidence that the appellee here was able to satisfactorily perform his work for the current employer until he suffered the most recent injury. The Commission relied on this fact in making its finding that appellee's most recent injury was the major cause of his wage loss, and we hold that its finding was supported by substantial evidence.

In any event, the claimant is not required to show that the new injury is the major cause of his wage-loss disability; instead, he need show only that the new injury is the major cause of his fifteen-percent anatomical impairment rating. See *Wal-Mart Stores, Inc. v. Westbrook*, 77 Ark. App. 167, 72 S.W.3d 889 (2002). In *Second Injury Fund v. Stephens*, 62 Ark. App. 255, 970 S.W.2d 331 (1998), we held that the claimant in that case was not required to prove that his compensable injury was the major cause of his wage-loss disability because the statutory major-cause requirement was satisfied where the record showed a physical impairment resulting from his compensable injury. Given that appellant stipulated that appellee's injury resulted in that degree of anatomical impairment, it cannot now argue to the contrary.

Affirmed.

ROBBINS and GRUBER, JJ., agree.