

# ARKANSAS COURT OF APPEALS

DIVISION III

No. CA10-954

ARTHUR BEAL

APPELLANT

V.

FAIRFIELD BAY COMMUNITY CLUB,  
INC., UNITED STATES FIRE  
INSURANCE, and DEATH &  
PERMANENT TOTAL DISABILITY  
TRUST FUND

APPELLEES

**Opinion Delivered** February 23, 2011

APPEAL FROM ARKANSAS  
WORKERS' COMPENSATION  
COMMISSION

[No. F611778]

AFFIRMED

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## LARRY D. VAUGHT, Chief Judge

By opinion filed June 30, 2010, the Workers' Compensation Commission found that Arthur Beal was entitled to a twenty-five percent wage-loss disability, over and above his thirty-nine percent anatomical impairment, but was not rendered permanently and totally disabled from injuries suffered during the course and scope of his employment. He argues that the Commission's opinion is not supported by substantial evidence. Specifically, he contends that the Commission erred "as a matter of law by not considering all of the evidence." The only issue is the sufficiency of the evidence, and the Commission's decision adequately displays a substantial basis for the denial of relief. Accordingly, we affirm by memorandum opinion.

Beal, a sixty-four-year-old man, testified at the hearing that he completed the eighth grade and had previous work experience in the construction and trucking industries. According to Beal, he began working for Fairfield Bay about twenty years ago. He testified that his job there

was as a heavy-equipment operator, where he was responsible for maintaining the roads and using a grader. He recalled that on October 27, 2006, he was hit in the head when a dozer slid off the trailer; that he immediately reported the injury and was taken to the hospital in Mountain View; and that he was subsequently referred to University of Arkansas for Medical Science (UAMS). He ultimately had two surgeries to his head (both performed by Dr. Eric D. Akin) and was diagnosed with a subdural hematoma. On December 21, 2006, Dr. Akin discharged Beal from care and permanently released him to light-duty work. He was then referred to Dr. Bradley S. Boop, and continues under his care. He is treated with Ultram, Zoloft, and Amitriptyline. He also testified that he continues to have headaches, balance issues, and problems with his temper and vision.

Beal further testified that he had worked all of his life but that he has not returned to work because “they are not going to let him back out there, as no doctor is going to pass him on a physical and drug test and stuff.” Beal is blind in his left eye, but admitted to having glaucoma before his injury. According to Beal he does not feel that there are any jobs he can perform and is now retired. The Commission disagreed and concluded that “the evidence shows that [Beal] is clearly not motivated to return to any form of gainful employment” and noted that Beal’s lack of motivation is a valid consideration in its denial of Beal’s wage-loss disability claim. *City of Fayetteville v. Guess*, 10 Ark. App. 313, 663 S.W.2d 946 (1984).

Where the Commission has denied a claim because of the claimant’s failure to meet his burden of proof, the substantial-evidence standard of review requires us to affirm if the Commission’s opinion displays a substantial basis for the denial of relief. *Parson v. Ark. Methodist Hosp.*, 103 Ark. App. 178, 287 S.W.3d 645 (2008). Substantial evidence is evidence that a

reasonable mind might accept as adequate to support a conclusion. *Williams v. Prostaff Temps.*, 336 Ark. 510, 988 S.W.2d 1 (1999). From our review, we conclude that the Commission's decision more than adequately explains its decision and displays a substantial basis for the denial of relief. Therefore, we affirm the Commission's decision by this memorandum opinion pursuant to our per curiam. *In re Memorandum Opinions*, 16 Ark. App. 301, 700 S.W.2d 63 (1985).

Affirmed.

GLADWIN and MARTIN, JJ., agree.