

ARKANSAS COURT OF APPEALS

DIVISION I

No. CA09-369

GARY W. PETERS

APPELLANT

V.

TOBY DOYLE

APPELLEE

Opinion Delivered November 4, 2009

APPEAL FROM THE ARKANSAS
WORKERS' COMPENSATION
COMMISSION [NO. F702813]

REVERSED AND REMANDED

JOHN MAUZY PITTMAN, Judge

The appellant appeals from the denial of his claim for workers' compensation benefits for injuries suffered in an automobile accident. The appellee-employer, a bricklayer, regularly picked up appellant and took him as a passenger to the job site. One morning they were involved in an auto accident. They proceeded to work that day, but the following day appellant did not show up for work, asserting that he sustained a back injury in the traffic accident. Appellant subsequently filed a claim for workers' compensation benefits. The Commission found that appellant was an employee and that the accident arose out of the employment but concluded that appellant failed to prove a causal connection between the accident and his current back condition. Appellant appeals this ruling, and appellee challenges the employment status and work-relatedness findings on cross-appeal. We are unable to address the merits of these arguments at this time. The Commission failed to make sufficient



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findings of fact to permit a meaningful review, and we reverse and remand for the Commission to do so.

The Commission’s findings are so broad as to be incomprehensible. Its opinion states that “[t]he muscle spasms reported by Dr. Rutledge beginning October 11, 2006, are not causal proof of objective medical findings establishing an injury on October 5, 2006,” and that “[a]ny assertion that the findings shown on the October 26, 2006, MRI were causally related to the October 5, 2006, motor vehicle accident would not be based on a credible analysis or interpretation of the record.”

The Commission is obliged to make findings and conclusions with sufficient detail and particularity to allow us to decide whether its decision is in accordance with the law. *Wright v. American Transportation*, 18 Ark. App. 18, 709 S.W.2d 107 (1986). We cannot do so on this record. Does the Commission believe that there must be objective proof of causation? Or that muscle spasms are not objective findings of injury if a person has ever experienced muscle spasms in that area before? Or does it instead mean that the physician’s testimony to the contrary was not a “credible analysis” because the Commissioners did not believe him, or did not believe the history with which he was provided by appellant, or both? In light of the ambiguity of the Commission’s opinion, we cannot conduct a meaningful review. Consequently, we reverse and remand for the Commission to make adequate findings to permit review. *Excelsior Hotel v. Squires*, 83 Ark. App. 26, 115 S.W.3d 823 (2003).

Reversed and remanded.

HART and GLOVER, JJ., agree.

The Law Firm of White & White, P.L.C., by: *J. Mark White*, for appellant.

Caldwell Law Firm, by: *Andy L. Caldwell*, for appellees.