

## ARKANSAS COURT OF APPEALS

DIVISION II

No. CA09-132

GLEND A FLYNN

APPELLANT

V.

SOUTHWEST CATERING CO. and  
PHOENIX INSURANCE CO.

APPELLEES

Opinion Delivered September 30, 2009

APPEAL FROM THE ARKANSAS  
WORKERS' COMPENSATION  
COMMISSION  
[NO. F613992]

REVERSED AND REMANDED

---

**WAYMOND M. BROWN, Judge**

This is an appeal from an order of the Arkansas Workers' Compensation Commission ("Commission") finding that the appellant, Glenda Flynn, did not suffer a compensable injury to her neck and arms on December 16, 2006. Appellant makes three arguments on appeal: (1) the Commission erred in requiring appellant to prove the causation of her injury with objective evidence in direct contravention of *Stephens Truck Lines v. Millican*, 58 Ark. App. 275, 950 S.W.2d 472 (1997); (2) the Commission erred in arbitrarily disregarding the medical opinion of appellant's neurologist, Dr. Paul Tucker, and therefore denying appellant compensability, additional medical care, additional temporary-total-disability benefits, and attorney's fees to which she is entitled; and (3) the Commission erred in not articulating any reason for denying appellant's claim for temporary-total-disability benefits from June 17, 2007,

through a date yet to be determined and therefore the Commission's opinion is not supported by substantial evidence and in direct contradiction with *Arkansas Pub. Serv. Comm'n v. Continental Tel. Co.*, 262 Ark. 821, 561 S.W.2d 645 (1978). We remand this case to the Commission for more specific findings.

Flynn was working as a waitress for appellee Southwest Catering on December 16, 2006, when she tripped over a mat, caught herself with her arms to keep from falling, and felt acute pain in her foot. Initial medical records showed that appellant complained of right-foot pain. There was nothing in the records to suggest that appellant sustained neck and arm trauma. Appellant was assessed as having a right-foot sprain. Appellees accepted the injury as compensable and provided reasonably necessary medical treatment in connection with appellant's compensable right-foot injury.

Appellant filed a claim for benefits alleging that she suffered compensable injuries to her neck and arms. Appellees controverted appellant's claim for benefits for her neck and arm injuries in its entirety.

The administrative law judge (ALJ) found that appellant proved compensable neck and arm injuries; that appellant was entitled to temporary-total-disability benefits from June 17, 2007, to a date to be determined; and that appellant's attorney was entitled to the maximum statutory fee. The Commission reversed the ALJ and found that appellant failed to prove a compensable injury to her neck or arms. This appeal followed.

In reviewing decisions from the Workers' Compensation Commission, we view the evidence and all reasonable inferences deducible therefrom in the light most favorable to the

Commission's findings, and we affirm if the decision is supported by substantial evidence. *Foster v. Express Personnel Servs.*, 93 Ark. App. 496, 222 S.W.3d 218 (2006). Substantial evidence exists if reasonable minds could reach the Commission's conclusion. *Jivan v. Economy Inn & Suites*, 370 Ark. 414, 260 S.W.3d 281 (2007). When a claim is denied because the claimant has failed to show an entitlement to compensation by a preponderance of the evidence, the substantial-evidence standard of review requires us to affirm if the Commission's opinion displays a substantial basis for the denial of relief. *Whitlach v. Southland Land & Dev.*, 84 Ark. App. 399, 141 S.W.3d 916 (2004). This court, however, relies on the Commission to clearly articulate its findings of fact because we do not review the Commission's decisions de novo. *Sonic Drive-In v. Wade*, 36 Ark. App. 4, 816 S.W.2d 889 (1991). When the Commission fails to make specific findings on an issue, it is appropriate to reverse and remand the case for the Commission to make such findings. *Id.*

In order that this case not be decided piecemeal on appeal, we remand this case for the Commission to make findings on the issue of appellant's entitlement to temporary-total-disability benefits for her foot injury beyond June 16, 2007, before we decide any of the points presented. *Sonic Drive-In, supra.*

Reversed and remanded.

PITTMAN and KINARD, JJ., agree.