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ARKANSAS COURT OF APPEALS

DIVISION III
No. CA 09-1006

ROBERT HAYS APPELLANT V. REDDY ICE GROUP, INC. APPELLEE	**Opinion Delivered** FEBRUARY 11, 2010 APPEAL FROM THE ARKANSAS WORKERS' COMPENSATION COMMISSION [NO. F803184] AFFIRMED

WAYMOND M. BROWN, Judge

Robert Hays alleged that he suffered a lower back injury while working for Reddy Ice Group, Inc. Reddy Ice initially provided benefits, but it later controverted the claim in its entirety. The Workers' Compensation Commission affirmed and adopted an ALJ opinion denying benefits. Hays challenges that opinion, stating that it is not supported by substantial evidence. We affirm.

Hays drove a truck and delivered ice for Reddy Ice. He alleged that he suffered injuries to his left ankle, left knee, and lower back on March 27, 2008, when he stepped on a loose chunk of concrete, causing him to roll his left ankle and twist his knee. While he was no longer suffering from problems with his ankle and knee at the time of the hearing before the ALJ, he stated that his back still hurt. Hays began working for another ice company on June 24, 2008, despite claiming that his back was not okay. His duties included driving a

truck and delivering ice. On July 5, 2008, he stopped at a Burger King for lunch. A globe from one of the ceiling fans fell and hit him on the head, and he has not worked since. Hays also testified about a motor vehicle accident in which he was involved while working as a police officer in 2004, but he did not see a doctor for any back problems related to that incident.

The medical records reveal the following. Hays presented to the emergency room at Washington Regional Medical Center on March 27, 2008. The chief complaint was left ankle pain, but he did complain of some low back pain on the left after twisting his ankle. At his employer's request, Hays presented to Dr. Cathleen Vandergriff on April 7, 2008. He continued to complain about back pain, but Dr. Vandergriff noted no spasms or tenderness, and wrote that Hays had good range of motion of his cervical, thoracic, and lumbar spine. An x-ray of the lumbar spine revealed no acute fractures or dislocations. Hays reported increased back pain on follow-up visits. An MRI was taken on May 13, 2008, which revealed mild annual disc bulging at each level from L2-S1, but no healing trauma. Dr. Vandergriff wanted to refer Hays to a neurosurgeon, but Reddy Ice controverted benefits at that time.

On December 1, 2008, the ALJ denied Hays's claim for benefits. While the ALJ found that Hays established the existence of a back injury supported by objective findings, he failed to show a causal relationship between his employment with Reddy Ice and his back injury. The ALJ noted that the MRI report did not show any healing trauma and that the medical records show that there was "very little complaint from the claimant with regard to his back

pain." The ALJ commented that Hays's back complaints were likely the result of his history of manual labor, other body trauma, and aging. The Commission affirmed and adopted the opinion of the ALJ.

Hays contends that the ALJ's opinion, as adopted by the Commission, is not supported by substantial evidence. In so arguing, he relies on the medical records that show that he has complained of back pain ever since the incident, and he claims that his back pain could be attributed to nothing other than the incident.

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 decision and affirm if that decision is supported by substantial evidence. *Smith v. City of Ft. Smith*, 84 Ark. App. 430, 143 S.W.3d 593 (2004). 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). The issue is not whether the reviewing court might have reached a different result from the Commission; if reasonable minds could reach the result found by the Commission, this court must affirm the decision. *Minnesota Mining & Mfg. v. Baker*, 337 Ark. 94, 989 S.W.2d 151 (1999). Where the Commission denies benefits because the claimant has failed to meet his burden of proof, the substantial-evidence standard of review requires us to affirm if the Commission's decision displays a substantial basis for the denial of relief. *Neal v. Sparks Regional Med. Ctr.*, 104 Ark. App. 97, 289 S.W.3d 163 (2008).

In order to prove a compensable injury, a claimant must prove, among other things, a causal relationship between his employment and the injury. *Searcy Indus. Laundry Inc. v. Ferren*, 82 Ark. App. 69, 110 S.W.3d 306 (2003). The determination of whether a causal connection exists is a question of fact for the Commission to determine. *Jeter v. B.R. McGinty Mech.*, 62 Ark. App. 53, 968 S.W.2d 645 (1998).

The crux of Hays's argument is that his back pain manifested immediately after the accident and that there is nothing else in the record to explain his injury. In *Hall v. Pittman Construction Co.*, 235 Ark. 104, 105, 357 S.W.2d 263, 264 (1962), our supreme court wrote, "If the claimant's disability arises soon after the accident and is logically attributable to it, with nothing to suggest any other explanation for the employee's condition, we may say without hesitation that there is no substantial evidence to sustain the commission's refusal to make an award." The problem, however, is that there are other explanations for Hays's condition. Hays may have reported "some back pain" to the emergency room physician, but the initial focus of treatment was his ankle. Further, according to the medical records, there was no swelling seen in the initial emergency room visit, he had good range of motion of his spine in subsequent examinations by Dr. Vandergriff, and the MRI showed no healing trauma. As noted by the ALJ, Hays's back condition could have been attributable to multiple causes. On this record, reasonable persons could differ as to the cause of Hays's back injury. Accordingly, we must affirm.

Affirmed.

GRUBER and GLOVER, JJ., agree.