

# ARKANSAS COURT OF APPEALS

DIVISION I

No. CA09-1123

KEVIN PATTON

APPELLANT

V.

JIM SMITH COLLISION & WRECKER,  
ACE PROPERTY & CASUALTY  
INSURANCE, and SECOND INJURY  
FUND

APPELLEES

Opinion Delivered May 12, 2010

APPEAL FROM THE ARKANSAS  
WORKERS' COMPENSATION  
COMMISSION [F708980]

AFFIRMED

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**DAVID M. GLOVER, Judge**

In this workers' compensation case, the administrative law judge, in a very detailed and well-reasoned opinion, determined that appellant, Kevin Patton, failed to establish that on July 26, 2007, he sustained either a compensable specific-incident or gradual-onset back injury.<sup>1</sup> The Commission affirmed and adopted the ALJ's opinion. Patton appeals, arguing that the Commission's decision is not supported by substantial evidence. His argument before us is that the Commission erred in finding that his injury was not the major cause for treatment. Substantial evidence supports the Commission's decision; therefore, we affirm.

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<sup>1</sup>Patton argues on appeal to this court only that the Commission erred in not finding that he suffered a gradual-onset back injury.

When reviewing a decision of the Commission, this court views the evidence and all reasonable inferences deducible therefrom in the light most favorable to the Commission's findings and affirms the decision if it is supported by substantial evidence. *Finley v. Farm Cat, Inc.*, 103 Ark. App. 292, 288 S.W.3d 685 (2008). The issue is not whether we might have reached a different result or whether the evidence would have supported a contrary finding; if reasonable minds could reach the Commission's conclusion, we must affirm. *Id.* 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. *Parson v. Arkansas Methodist Hosp.*, 103 Ark. App. 178, 287 S.W.3d 645 (2008). A substantial basis exists if fair-minded persons could reach the same conclusion when considering the same facts. *Id.*

Questions concerning witness credibility and the weight to be given to witness testimony are within the Commission's exclusive province. *Cedar Chem. Co. v. Knight*, 372 Ark. 233, 273 S.W.3d 473 (2008). When evidence is contradictory, it is within the Commission's province to reconcile conflicting evidence and to determine the true facts. *Id.* The Commission is not required to believe the testimony of the claimant or any other witness, but may accept and translate into findings of fact only those portions of the testimony that it deems worthy of belief; this court is foreclosed from determining the credibility and weight to be accorded to each witness's testimony. *Id.*

Cite as 2010 Ark. App. 421

To prove a gradual-onset injury, an employee must prove that the injury arose out of and in the course of his employment; that the injury caused internal or external physical harm to the body that required medical services; and that the injury was the major cause of the need for treatment. *Wal-Mart Stores, Inc. v. Leach*, 74 Ark. App. 231, 48 S.W.3d 540 (2001).

Here, the only question on appeal is the sufficiency of the evidence. Because the Commission's opinion adequately explains its decision, we affirm by memorandum opinion. *In re Memorandum Opinions*, 16 Ark. App. 301, 700 S.W.2d 63 (1985).

Affirmed.

VAUGHT, C.J., and GRUBER, J., agree.