

ARKANSAS COURT OF APPEALS

DIVISION IV
No. CA11-798

SOPHIA KANU-POLK

APPELLANT

V.

CONWAY HUMAN DEVELOPMENT
CENTER, EMPLOYER, and PUBLIC
EMPLOYEE CLAIMS DIVISION,
CARRIER

APPELLEES

OPINION DELIVERED DECEMBER 14, 2011

APPEAL FROM THE ARKANSAS
WORKERS' COMPENSATION
COMMISSION
[NO. F507963]

AFFIRMED

ROBERT J. GLADWIN, Judge

Appellant Sophia Kanu-Polk was compensated for a work-related neck injury, but when she claimed that she was entitled to compensation for an injury to her back that occurred during the same incident, the Arkansas Workers' Compensation Commission, by affirming and adopting the administrative law judge's decision, denied her claim based on her lack of credibility. She appeals, arguing that the Commission's decision is not supported by substantial evidence. We affirm by memorandum opinion. *See In re Memorandum Opinions*, 16 Ark. App. 301, 700 S.W.2d 63 (1985).

Memorandum opinions may be issued in any or all of the following cases:

- (a) Where the only substantial question involved is the sufficiency of the evidence;
- (b) Where the opinion, or findings of fact and conclusions of law, of the trial court or agency adequately explain the decision and we affirm;
- (c) Where the trial court or agency does not abuse its discretion and that is the only



substantial issue involved; and

(d) Where the disposition of the appeal is clearly controlled by a prior holding of this court or the Arkansas Supreme Court and we do not find that our holding should be changed or that the case should be certified to the supreme court.

Id. at 302, 700 S.W.2d at 63.

This case falls squarely within category (b) above. The Commission affirmed and adopted the decision of the ALJ, who authored a well-reasoned opinion that adequately explains the decision, and the record contains a substantial quantum of evidence to support the decision. The ALJ stated,

In the present matter, I find that the claimant was not a credible witness. A review of the transcript and the documentary evidence confirm my impression formed at [the] hearing. The claimant's testimony is vague, evasive, and not entirely supported by the medical records. In addition to this, medical providers/functional capacity examiner noted the claimant's lack of cooperation, hysterics, and exaggeration and magnification of her symptoms. . . . Hence, the claimant did not report a back injury until some eight (8) weeks after her work-incident, despite having treated with various medical persons for her neck injury.

It is the Commission's duty, not ours, to make credibility determinations, to weigh the evidence, and to resolve conflicts in the medical testimony and evidence. *Martin Charcoal, Inc. v. Britt*, 102 Ark. App. 252, 284 S.W.3d 91 (2008). We therefore affirm by memorandum opinion pursuant to section (b) of our per curiam, *In re Memorandum Opinions, supra*.

Affirmed.

ROBBINS and HOOFFMAN, JJ., agree.