

ARKANSAS COURT OF APPEALS

DIVISION IV

No. CV-16-850

BROOKSHIRE GROCERY COMPANY
APPELLANT

V.

CLEON MORGAN, SR.

APPELLEE

OPINION DELIVERED: MARCH 15, 2017APPEAL FROM THE ARKANSAS
WORKERS' COMPENSATION
COMMISSION
[NO. G401760]

AFFIRMED

ROBERT J. GLADWIN, Judge

Appellant Brookshire Grocery Company files this one-brief appeal from the August 9, 2016 Arkansas Workers' Compensation Commission (Commission) opinion in which the Commission affirmed and adopted the administrative law judge's (ALJ) January 14, 2016 opinion that appellee Cleon Morgan was an employee of appellant at the time of the injury and not an independent contractor. We affirm.

We review a decision of the Commission to determine whether there is substantial evidence to support it. *Queen v. Nortel Networks*, 2013 Ark. App. 523. We review the evidence and all reasonable inferences deducible therefrom in the light most favorable to the Commission's findings. *Id.* It is the Commission's province to weigh the evidence and determine what is most credible. *Id.* The issue on appeal is not whether we would have reached a different result or whether the evidence would have supported a contrary conclusion; we will affirm if reasonable minds could reach the Commission's conclusion. *Id.* Typically, we review only the Commission's decision, not the ALJ's; however, when

the Commission affirms and adopts the ALJ's opinion as its own, which is true here, we consider both the ALJ's decision and the Commission's opinion. *J.B. Hunt Transp. Servs. Inc. v. Hollingsworth*, 2016 Ark. App. 279, 497 S.W.3d 197.

It is the Commission's duty, not ours, to make credibility determinations, to weigh the evidence, and to resolve conflicts in the evidence and testimony. *Green v. N. Little Rock Sch. Dist.*, 2016 Ark. App. 512. Because the sole issue now before us is the sufficiency of the evidence, and 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) (per curiam).

Affirmed.

HARRISON and MURPHY, JJ., agree.

PPGMR Law, PLLC, by: *R. Scott Morgan* and *Patrick Feilke*, for appellant.

No response.