

ARKANSAS COURT OF APPEALS

DIVISION II
No. CV-15-283

MERCY HOSPITAL FORT SMITH
AND SISTERS OF MERCY HEALTH
SYSTEMS

APPELLANTS

V.

KEAHA HENDLEY

APPELLEE

Opinion Delivered September 30, 2015

APPEAL FROM THE ARKANSAS
WORKERS' COMPENSATION
COMMISSION
[NO. G308279]

AFFIRMED

PHILLIP T. WHITEAKER, Judge

Mercy Hospital Fort Smith and Sisters of Mercy Health Systems (“Mercy”) appeal from a decision of the Arkansas Workers’ Compensation Commission (“Commission”) finding that appellee Keaha Hendley was entitled to additional medical treatment in the form of physical therapy and to temporary total disability benefits.¹ On appeal, Mercy argues that the Commission’s findings are not supported by substantial evidence. After reviewing the evidence presented, we disagree and affirm by issuing this memorandum opinion.

We may issue memorandum opinions in any or all of the following cases:

¹ The Commission affirmed and adopted the opinion of the administrative law judge (ALJ). Typically, on appeal to our court, we review only the decision of the Commission, not that of the ALJ. *Queen v. Nortel Networks, Inc.*, 2012 Ark. App. 188, at 3. When, however, the Commission affirms and adopts the ALJ’s opinion, thereby making the findings and conclusions of the ALJ the Commission’s findings and conclusions, our court considers both the ALJ’s opinion and the Commission’s opinion. *Id.*

- (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.

In re Memorandum Opinions, 16 Ark. App. 301, 700 S.W.2d 63 (1985).

This case falls within categories (a) and (b). The only substantial question on appeal is whether the Commission's opinion was supported by sufficient evidence. A review of the record reflects that it was. Further, the opinion of the ALJ, adopted by the Commission, adequately explained the decision reached. Accordingly, we affirm by memorandum opinion.

GLADWIN, C.J., and HOOFFMAN, J., agree.

Anderson, Murphy & Hopkins, L.L.P., by: *Randy P. Murphy* and *Mark D. Wankum*, for appellants.

Jason M. Hatfield, P.A., by: *Jason M. Hatfield*, for appellee.