

Cite as 2010 Ark. App. 724

ARKANSAS COURT OF APPEALS

DIVISION IV
No. CA09-1320

GREG PROCK

APPELLANT

v.

BULL SHOALS LANDING

APPELLEE

Opinion Delivered November 3, 2010

APPEAL FROM THE ARKANSAS
WORKERS' COMPENSATION
COMMISSION [NO. F711607]

REVERSED AND REMANDED

JOHN MAUZY PITTMAN, Judge

This is an appeal from an opinion of the Arkansas Workers' Compensation Commission. The claimant-appellant was injured at work while opening fifty-five-gallon drums with a welding torch. He was denied benefits based on a finding that he tested positive for controlled substances after the injury and failed to rebut the statutory presumption that his injury was occasioned by his drug use. Appellant argues that the Commission's findings are not supported by substantial evidence, that Commission lacked the authority to make credibility determinations contrary to those made by the administrative law judge, and that the procedure by which Commissioners are selected results in an unconstitutional bias against claimants. We cannot reach the merits of the arguments at this time because the Commission's opinion is defective.

It is the Commission's duty to find the facts, and, when sufficient findings of essential facts are lacking, we are unable to perform any meaningful review of the Commission's

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decision. *Wright v. American Transportation*, 18 Ark. App. 18, 709 S.W.2d 107 (1986). A satisfactory finding of fact is one that permits the appellate court to decide whether the Commission has resolved the issues in accordance with the law. *Id.* We are unable to do so in this case.

The Commission stated in its opinion that “[t]he only evidence in this case to rebut the presumption is the claimant and Mr. Edminster’s denial of smoking marijuana.” However, the record shows that there was, in fact, other evidence offered to rebut the presumption, *i.e.*, the testimony of two other witnesses that they observed appellant on the morning of the accident and that he was not impaired. Because the Commission stated that no such evidence existed, we are unable to say whether the testimony of these witnesses was disbelieved, overlooked, or disregarded arbitrarily. It is reversible error for the Commission to state that there is “no evidence” on an issue when such evidence in fact appears in the record. *Edens v. Superior Marble & Glass*, 346 Ark. 487, 58 S.W.3d 369 (2001). Consequently, we reverse and remand for the Commission to make findings of fact that are sufficiently detailed and specific to permit meaningful judicial review.

Reversed and remanded.

HART, J., agrees.

VAUGHT, C.J., concurs.