

Not designated for publication
ARKANSAS COURT OF APPEALS
JUDGE KAREN R. BAKER

DIVISION III

CA06-237

SEPTEMBER 20, 2006

DANIEL WEAVER

APPELLANT

v.

MEYER ROOFING & SHEET METAL;
UNITED PACIFIC INSURANCE CO.
SECOND INJURY FUND

APPELLEES

A P P E A L F R O M T H E
W O R K E R S ' C O M P E N S A T I O N
C O M M I S S I O N
[F102848]

AFFIRMED

Appellant Daniel Weaver appeals the Workers' Compensation Commission's decision denying him benefits. Appellant worked for Meyer Roofing and Sheet Metal for four and one-half years. He was a foreman during most of his tenure with the company, but his duties did involve some degree of a manual labor. On December 6, 1999, he sustained an admittedly compensable injury to his low back; however, a dispute ultimately arose with regard to medical treatment for an L5-S1 abnormality. The Administrative Law Judge found that appellant failed to prove by a preponderance of the evidence that the medical treatment and surgery proposed to treat appellant's L5-S1 abnormality was reasonably necessary for his work-related 1999 back injury. The full Commission affirmed and adopted the decision of the Administrative Law Judge denying appellant benefits. Appellant appeals the Commission's decision to us asserting that a preponderance of the evidence establishes that the surgery recommended by Dr. Williams is reasonably necessary for treatment of the compensable injury. We find no error and affirm.

Questions concerning the credibility of witnesses and the weight to be given to their testimony are within the exclusive province of the Commission. *Ark. Dep't of Health v. Williams*, 43 Ark. App. 169, 863 S.W.2d 583 (1993). In reviewing decisions from the Workers' Compensation Commission, we view the evidence and all reasonable inferences deducible therefrom in the light most favorable to the Commission's findings, and we affirm if the decision is supported by substantial evidence. *Wal-Mart Stores, Inc. v. Sands*, 80 Ark. App. 51, 91 S.W.3d 93 (2002). Substantial evidence is that which a reasonable person might accept as adequate to support a conclusion. *Olsten Kimberly Quality Care v. Pettey*, 328 Ark. 381, 944 S.W.2d 524 (1997). The question is not whether the evidence would have supported findings contrary to the ones made by the Commission; there may be substantial evidence to support the Commission's decision even though we might have reached a different conclusion if we sat as the trier of fact or heard the case *de novo*. *CDI Contractors v. McHale*, 41 Ark. App. 57, 848 S.W.2d 941 (1993). We will not reverse the Commission's decision unless we are convinced that fair-minded persons with the same facts before them could not have reached the conclusions arrived at by the Commission. *White v. Georgia-Pacific Corp.*, 339 Ark. 474, 6 S.W.3d 98 (1999).

The only substantial question in this appeal is the sufficiency of the evidence, and the Commission's findings of fact, conclusions of law, and opinion adequately explain the decision. Having determined that the Commission's findings are in fact supported by substantial evidence, we affirm by memorandum opinion. *See In re Memorandum Opinions*, 16 Ark. App. 301, 700 S.W.2d 63 (1985).

Affirmed.

BIRD and ROAF, JJ., agree.