ARKANSAS COURT OF APPEALS
NOT DESIGNATED FOR PUBLICATION
JOHN MAUZY PITTMAN, CHIEF JUDGE

DIVISION III

CA06-252

October 4, 2006

KENNETH BARKER
APPELLANT

APPEAL FROM THE ARKANSAS WORKERS' COMPENSATION COMMISSION [NO. F310422]

V.

MORRELL MANUFACTURING, INC.
APPELLEE

AFFIRMED

Appellant fell while working for appellee on September 15, 2003. Appellee initially provided medical coverage and other benefits but ultimately disputed liability. Appellant filed a claim for further medical and temporary total disability benefits. After a hearing, the Arkansas Workers' Compensation Commission denied appellant's claim on the ground that his fall was idiopathic. On appeal, appellant contends that the Commission's finding that his fall was idiopathic is not supported by the evidence. We affirm.

Our standard of review is well-settled: In determining the sufficiency of the evidence to support the findings of 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 will affirm if those findings are supported by substantial evidence. *Farmers Cooperative v. Biles*, 77 Ark. App. 1, 69 S.W.3d 899 (2002). Substantial evidence is such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. *Id.* The determination of the credibility and weight to be given a witness's testimony is within the sole province of the Commission. *Id.* The Commission is not required to believe the testimony of the claimant or any other witness, but may accept and translate into findings of fact only those portions of the testimony it deems worthy of belief. *American Greetings Corp. v. Garey*, 61 Ark. App. 18, 963 S.W.2d 613 (1998).

Viewing the evidence, as we must, in the light most favorable to the appellee, the record shows that appellant had been suffering from epileptic seizures and other neurological symptoms, including brief blackouts, since he was struck in the head with a lead pipe during an altercation. Appellant had no aura or warning prior to these episodes. Appellant continued to suffer from and be treated for these conditions, which occurred intermittently with several months sometimes passing between episodes. Prior to his fall at work, he was last treated for his neurological disorders by Dr. Janice Keating in December 2002, at which time appellant stated that he had not experienced a seizure since the preceding February. Appellant was diagnosed with severe anxiety disorder with paranoia, stating to Dr. Keating that he was too fearful to go out of his room to get a job and that his application for disability for this disorder was denied. Dr. Keating referred appellant to a psychiatrist and continued

treating appellant for seizure disorder, directing him to continue taking Neurontin as prescribed. Appellant failed to do so.

Appellant began working for appellee approximately ten months after this appointment with Dr. Keating. After working for appellee for two days, appellant fell while carrying a bundle of bags. The fall was witnessed by Tyrell Edwards, who was walking with appellant. Mr. Edwards saw nothing that appellant could have tripped on and did not see him stumble before falling. Mr. Edwards observed that appellant's face and mouth were bleeding, and saw no other injuries. Appellant was treated at Sparks Regional Medical Center, where he informed personnel processing his intake paperwork that he had a long-standing history of seizures and that he suffered a "syncopal episode at work and fell." When asked to describe the frequency of his seizure before the fall at work with the options being "occasional," "frequent," or "none for years," appellant selected "occasional."

An idiopathic fall is one whose cause is personal in nature, or peculiar to the individual. Because an idiopathic fall is not related to employment, it is generally not compensable unless conditions related to employment contribute to the risk by placing the employee in a position that increases the dangerous effect of the fall. *ERC Contractor Yard & Sales v. Robertson*, 335 Ark. 63, 977 S.W.2d 212 (1998). In *ERC Contractor Yard & Sales, supra*, it was held that the employer was liable for injuries sustained following an idiopathic fall because his employment required him to work on a scaffold fifteen feet above the ground, thereby increasing the dangerous effect of the fall. There is, however, no

evidence that the dangerous effect of appellant's fall was increased by the employment in the case before us. Although appellant testified that he did not suffer a blackout or syncopal episode when he fell but instead tripped on a broom, there was evidence to the contrary and the question resolves itself to a determination of the weight and credibility of the evidence, matters that are within the exclusive province of the Commission. *Id*. Under these circumstances, we cannot say that the Commission erred in finding that appellant's fall was idiopathic in origin or in denying his claim on that basis.

Affirmed.

BIRD and NEAL, JJ., agree.