

ARKANSAS COURT OF APPEALS
SARAH J. HEFFLEY, JUDGE
NOT DESIGNATED FOR PUBLICATION

DIVISION I

CA 07-1012

May 7, 2008

ALMATIS HOLDINGS, INC. and
AIG CLAIM SERVICES
APPELLANTS

APPEAL FROM THE ARKANSAS
WORKERS' COMPENSATION
COMMISSION
[NO. F607158]

V.

JOHN VAUGHAN

APPELLEE

AFFIRMED

Appellant, Almatris Holdings, Inc., appeals from a decision of the Workers' Compensation Commission affirming the administrative law judge and finding that appellee, John Vaughan, had proven by a preponderance of the evidence that he sustained a compensable cervical spine injury. On appeal, appellant contends there is insufficient evidence to support the Commission's decision. We find no error and affirm.

In determining the sufficiency of the evidence to support the findings of the 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 Coop. 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.* It is the function of the Commission to determine the credibility of witnesses and the weight to be given their testimony. *Searcy Indus. Laundry v. Ferren*, 82 Ark. App. 69, 110 S.W.3d 306 (2003). Furthermore, the Commission has the duty of weighing medical evidence and, if the evidence is conflicting, its resolution is a question of fact for the Commission. *Id.* The issue is not whether this court might have reached a different result from that reached by the Commission, or whether the evidence would have supported a contrary finding. *Smith v. County Market/Southeast Foods*, 73 Ark. App. 333, 44 S.W.3d 737 (2001). 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. *Id.*

The only issue in this appeal is whether substantial evidence supports the Commission's finding that appellee proved he suffered a compensable cervical spine injury. We hold that fair-minded persons with the same facts before them could have reached the conclusions arrived at by the Commission, and the Commission's findings of fact, conclusions of law, and opinion adequately explain the decision. Specifically, we note that the Commission's decision relies heavily on its credibility determinations regarding appellee, his supervisor, and his treating physician, and as stated previously, it is within the province of the Commission to determine the credibility of witnesses and the weight to be given their testimony. *Searcy, supra*. 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.

HART and VAUGHT, JJ., agree.