

ARKANSAS COURT OF APPEALS
NOT DESIGNATED FOR PUBLICATION
KAREN R. BAKER, JUDGE

DIVISION III

CA07-1033

MAY 7, 2008

JOSE MARTINEZ

APPELLANT

v.

OZARK PATTERNED CONCRETE and
WESTPORT INSURANCE CORPORATION

APPELLEES

APPEAL FROM THE ARKANSAS
WORKERS' COMPENSATION
COMMISSION
[NO. F509394]

AFFIRMED

Appellant Jose Martinez appeals from a decision by the Workers' Compensation Commission affirming the decision of the Administrative Law Judge. On appeal, appellant argues that there is insufficient evidence to support the Commission's decision. Specifically he asserts two points: (1) The Commission's finding that the appellant did not suffer a compensable injury to his right shoulder is not supported by the greater weight of the substantial evidence; (2) The Commission's finding that appellant is not entitled to temporary total disability from December 23, 2005 until a date yet to be determined as a result of his compensable back injury is not supported by the greater weight of the substantial evidence. We find no error and affirm.

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 fairminded 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). 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).

The only issue in this appeal is whether sufficient evidence supports the Commission's decision. 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).

GLADWIN and GRIFFEN, JJ., agree.