

ARKANSAS COURT OF APPEALS

DIVISION I

No. CA07-1258

C. BEAN TRANSPORT, INC. and
COMPENSATION MANAGERS,
APPELLANTS

v.

WILLIAM JUSTICE,
APPELLEE

Opinion Delivered 4 June 2008

APPEAL FROM THE WORKERS'
COMPENSATION COMMISSION
[NO. F606928]

AFFIRMED

D.P. MARSHALL JR., Judge

William Justice drove a truck for C. Bean Transport, Inc. He fell and hurt his head, knee, and shoulder while he was at a customer's scale house on one of his routes. After he fell, Justice continued to drive part of his route but he soon had to stop and go to the doctor because of his shoulder pain. The Workers' Compensation Commission adopted the ALJ's decision awarding Justice benefits and attorneys' fees. C. Bean appeals the sufficiency of the evidence supporting that award.

The Commission based its decision on the credibility of the witness's testimony and the medical evidence presented at the hearing. Justice testified that he did not have shoulder pain before he fell, but afterwards he was in too much pain to drive the rest of his route. A post-fall MRI showed a tear in Justice's rotator cuff. Dr. David Sudbrink's medical report stated that, while Justice may have had some chronic shoulder problems, they were exacerbated by his fall at the scale house.

C. Bean argues that Justice's pain was the result of his past shoulder problems, not a new injury at work. Dr. Sudbrink's statement about this possibility was before the Commission. And an aggravation of a pre-existing condition is compensable. *Parker v. Atlantic Research Corp.*, 87 Ark. App. 145, 152, 189 S.W.3d 449, 453 (2004). We defer to the Commission's evaluation of Dr. Sudbrink's report because the Commission has the exclusive function of determining the witnesses' credibility and the weight of all the evidence. *Smith-Blair, Inc. v. Jones*, 77 Ark. App. 273, 279–80, 72 S.W.3d 560, 565 (2002). Justice's testimony, which the ALJ found credible, and the medical evidence, provide substantial evidence to support the Commission's award of benefits. *Smith-Blair*, 77 Ark. App. at 276–77, 72 S.W.3d at 563.

Affirmed.

HART and GLADWIN, JJ., agree.