

ARKANSAS COURT OF APPEALS
NOT DESIGNATED FOR PUBLICATION
BRIAN S. MILLER, JUDGE

DIVISION I

CA07-127

October 3, 2007

MARY RODRIQUEZ
APPELLANT

v.

LAKEWOOD PLAZA NURSING
CENTER

APPELLEE

AN APPEAL FROM THE ARKANSAS
WORKERS' COMPENSATION
COMMISSION
[F300066]

AFFIRMED

This appeal arises from a November 5, 2006 opinion of the Arkansas Workers' Compensation Commission denying appellant Mary Rodriguez's claim for benefits. We affirm the Commission's denial of benefits.

On June 8, 2006, the Administrative Law Judge conducted a hearing to determine whether to award Rodriguez's claim for temporary-total-disability benefits against Lakewood Plaza Nursing Center. At that hearing, Rodriguez testified that she worked as a night-charge nurse for Lakewood and that she started experiencing pain in her pelvic and abdominal areas on August 8, 2002, while helping to lift a patient. She stated that, approximately one hour later, she noticed that she was having vaginal bleeding and that she was later diagnosed as having a prolapsed uterus. She testified that she underwent surgery to repair her condition

and that Lakewood paid her medical benefits, including the cost of her surgery.

Except for one return-to-work slip provided by Dr. C. Allen McKnight, which set forth Rodriguez's lifting restrictions, Rodriguez's testimony was the only evidence introduced in support of her claim for benefits. Consequently, the ALJ found that Rodriguez failed to prove a compensable injury, and the Commission affirmed and adopted the ALJ's decision. On appeal, Rodriguez argues that her testimony was sufficient to support her claim because she is a medical expert.

When an appeal is taken from the denial of a claim by the Workers' Compensation Commission, the substantial-evidence standard of review requires that we affirm the Commission's decision if its opinion contains a substantial basis for the denial of relief. *Powers v. City of Fayetteville*, 97 Ark. App. 251, ___ S.W.3d ___ (2007). 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 affirm if those findings are supported by substantial evidence. *Id.* Substantial evidence is such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. *Elliot v. Maverick Transp.*, 87 Ark. App. 118, 189 S.W.3d 62 (2004). 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 reached by the Commission. *Whitten v. Edward Trucking/Corporate Solutions*, 87 Ark. App. 112, 189 S.W.3d 82 (2004). 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. *Id.*

As the claimant, Rodriguez had the burden of proving a compensable injury by a preponderance of the evidence. *See Crawford v. Single Source Transp.*, 87 Ark. App. 216, 189 S.W.3d 507 (2004). A compensable injury is defined as an accidental injury causing internal or external harm arising out of and in the course of employment. *See Ark. Code Ann. § 11-9-102(4)(A)(i)* (Supp. 2007). A compensable injury must be established by medical evidence supported by objective findings. *Ark. Code Ann. § 11-9-102(4)(D)*. Objective findings are those findings which cannot come under the voluntary control of the patient. *Ark. Code Ann. § 11-9-102(16)(A)(i)*.

In addition to objective findings, a claimant must support her claim for a compensable injury with proof that establishes, among other things, a causal relationship between her employment and the injury. *See Searcy Indus. Laundry, Inc. v. Ferren*, 82 Ark. App. 69, 110 S.W.3d 306 (2003). Medical evidence, however, is not required to prove the cause of the injury was work-related. *Id.*

When determining whether a claimant has sustained a compensable injury, the Commission is not prohibited from considering the claimant's testimony; however, the record must contain objective and measurable findings to support the Commission's findings. *See*

Taco Bell v. Finley, 38 Ark. App. 11, 826 S.W.2d 313 (1992). Furthermore, the uncorroborated testimony of an interested party is never considered uncontradicted. *Continental Express v. Harris*, 61 Ark. App. 198, 965 S.W.2d 811 (1998).

When we view this record in a light most favorable to the Commission's findings, we hold that Rodriquez failed to establish a compensable injury supported by objective findings. In this circumstance, Rodriquez's testimony, standing alone, is insufficient to satisfy the objective-finding standard. Therefore, we affirm the decision of the Commission.

Affirmed.

PITTMAN, C.J., agrees.

HART, J., concurs.