

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

DIVISION I

CA07-473

JOAN STUARD

DECEMBER 19, 2007

APPELLANT

v.

APPEAL FROM THE WORKERS'
COMPENSATION COMMISSION
[F311958]

HOPE SCHOOL DISTRICT and RISK
MANAGEMENT RESOURCES

APPELLEES

AFFIRMED

Appellant, Joan Stuard, appeals from a decision by the Workers' Compensation Commission reversing the Administrative Law Judge and finding that she failed to prove by a preponderance of the evidence that she was entitled to additional medical treatment after April 2, 2004. On appeal, appellant argues that there is insufficient evidence to support the Commission's finding that she failed to prove that she was entitled to additional medical treatment after April 2, 2004. She also asserts that the Commission abused its discretion in considering medical opinions and 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 fair-minded 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 finding that appellant failed to prove that she was entitled to additional medical treatment and the Commission's determination of credibility as to the medical opinions. 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).

GLOVER and HEFFLEY, JJ., agree.