

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

DIVISION II

CA07-0596

December 12, 2007

CITY OF VAN BUREN
MUNICIPAL LEAGUE WC TRUST
APPELLANTS

v.

HEATH SPEARS

APPELLEE

AN APPEAL FROM THE ARKANSAS
WORKERS' COMPENSATION
COMMISSION
[F509842]

AFFIRMED

In an April 18, 2007 opinion, the Arkansas Workers' Compensation Commission awarded appellee Heath Spears additional workers' compensation benefits. Spears's employer, the City of Van Buren, argues that the Commission committed substantial error when it found Spears was entitled to additional benefits. We affirm.

Spears sustained a compensable back injury in August 2005 when he fell backward into a wheelbarrow. His fall occurred when a rat ran up his right arm as he was moving a wood pile for his employer. MRI testing revealed a herniated disc at L5-S1. Spears returned to light duty in October 2005. He worked light duty for several weeks before returning to full duty, although he was still experiencing pain and numbness in his leg.

Spears reinjured his back at home on January 29, 2006, while pulling “16 duplex” nails from a piece of 1-by-4. The following day he was treated by a chiropractor whom he told about the incident with the nails. On February 2, 2006, Spears sought additional treatment with Dr. Terry Lewelling whom he also told about the incident with the nails. Dr. Lewelling suggested that Spears remain active and prescribed medication.

In March 2006, while leaning over to pick up a container of milk, Spears experienced increased pain in his back. Dr. Robert Thompson placed Spears on bed rest and prescribed additional pain medication and muscle relaxers. Spears also continued his treatment with Dr. Lewelling and returned to work on April 17, 2006.

The ALJ found that Spears proved by a preponderance of the evidence that he was entitled to additional temporary-total disability benefits from March 15, 2006 through April 16, 2006, and ordered the City to pay all reasonably necessary medical expenses. The Commission affirmed and adopted the ALJ’s decision. The City now appeals.

In reviewing decisions of the Commission, we view the evidence and all reasonable inferences deducible therefrom in the light most favorable to the Commission’s findings and affirm the decision if it is supported by substantial evidence. *DeQueen Sand & Gravel Co. v. Cox*, 95 Ark. App. 234, ___ S.W.3d ___ (2006). Substantial evidence is such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. *Id.* The issue is not whether we might have reached a different result or whether the evidence would have supported a contrary finding; if reasonable minds could reach the Commission’s conclusion, we must affirm its decision. *Clairday v. The Lilly Co.*, 95 Ark. App. 94, 234

S.W.3d 347 (2006). When the Commission affirms and adopts the ALJ's opinion as the decision of the Commission, the Commission makes the ALJ's findings and conclusions the findings and conclusions of the Commission. *Rodriguez v. M. McDaniel Co.*, 98 Ark. App. 138, ___ S.W.3d ___ (2007).

The City argues that Spears's need for additional treatment was caused by his pulling nails from the board, which was an independent intervening cause. When the primary injury is shown to have arisen out of and in the course of the employment, the employer is responsible for any natural consequence that flows from that injury, and the basic test is whether there is a causal connection between the injury and the consequences of such. *K II Constr. Co. v. Crabtree*, 78 Ark. App. 222, 79 S.W.3d 414 (2002); *see also Guidry v. J & R Eads Constr. Co.*, 11 Ark. App. 219, 669 S.W.2d 483 (1984). A non-work-related independent intervening cause does not require negligence or recklessness, but if the claimant is engaged in unreasonable conduct, the result may be an independent intervening cause. *K II Constr.*, *supra*. Whether there is a causal connection between the injury and a disability and whether there is an independent intervening cause are questions of fact for the Commission to determine. *Smith-Blair, Inc. v. Jones*, 77 Ark. App. 273, 72 S.W.3d 560 (2002).

In its order finding that Spears was entitled to additional benefits, the Commission wrote:

The record sets forth that following the claimant's injury he was treated conservatively but continued to have complaints of pain, burning and numbness as well as limping as a result of his compensable injury. The claimant did and was

released to return to work but has testified that he has continued to have problems which have been exacerbated by his work and just general activities of living. The claimant's testimony and the medical records set forth that the claimant's complaints are very much similar to those he initially had following his compensable injury. [We] find, therefore, that he is entitled to medical treatment for his continuing compensable problems.

Viewing the evidence in a light most favorable to the Commission, we hold that the City failed to prove that Spears's need for additional treatment was the result of an independent intervening cause. Therefore, we affirm because reasonable minds could have arrived at the conclusions reached by the Commission.

Affirmed.

MARSHALL and VAUGHT, JJ., agree.