

ARKANSAS COURT OF APPEALS

DIVISION III

No. CA11-22

MICHAEL GOODWIN

APPELLANT

V.

TRI NATIONAL, INC., and UNITED
STATES FIRE INSURANCE

APPELLEES

OPINION DELIVERED SEPTEMBER 28, 2011APPEAL FROM THE ARKANSAS
WORKERS' COMPENSATION
COMMISSION,
[NO. F802965]

AFFIRMED

ROBERT J. GLADWIN, Judge

Appellant Michael Goodwin contends that substantial evidence does not support the Arkansas Workers' Compensation Commission's decision to deny him a permanent-partial-impairment rating and benefits pursuant to Arkansas Code Annotated section 11-9-505(a)(1) (Repl. 2002). Goodwin was employed as a truck driver for appellee Tri National, Inc., (TNI) when he sustained a compensable injury to his left shoulder and cervical spine. After treatment, Goodwin was released from his doctor to return to work, and TNI notified him of available employment. However, when Goodwin failed to contact dispatch as instructed, TNI notified him of his termination.

Goodwin sought section 505(a) benefits and a permanent-partial-impairment rating. An administrative law judge held a hearing and issued an opinion on April 26, 2010, denying and dismissing all claims for benefits. The ALJ's opinion states:

Cite as 2011 Ark. App. 565

The claimant completed the Functional Capacity Evaluation with valid results and he has some lifting limitations. His evaluation provided that he could work in the medium work classification.

The claimant did not have surgery on either his shoulder or his cervical spine, only conservative care and treatment. Both Dr. Stewart and Dr. Bruffett released the claimant at maximum medical improvement with no impairment rating. I find the preponderance of the evidence provides that the claimant's injuries did not result in a permanent impairment utilizing the Guides to the Evaluation of Permanent Impairments, 4th Ed. I give great weight to the opinions of both Dr. Stewart and Dr. Bruffett who both opined no permanent impairment.

...

After considering the testimony of the parties and considering the telephone logs submitted into evidence, I am not persuaded that the employer refused to return the claimant to work. With no record of a call to the dispatcher, I find that the claimant did not make the appropriate contacts to secure his continued employment with the respondent. I find the claimant has failed to prove the elements necessary to be entitled to 505 benefits.

On appeal, the Commission, by its opinion dated October 12, 2010, affirmed and adopted the ALJ's opinion. Appellant filed a timely notice of appeal to this court claiming that the Commission's decision is not supported by substantial evidence. We disagree, holding that the Commission's comprehensive opinion adequately explains its decision. Therefore, pursuant to *In re Memorandum Opinions*, 16 Ark. App. 301, 700 S.W.2d 63 (1985), we issue this memorandum opinion affirming the decision.

Affirmed.

WYNNE and GRUBER, JJ., agree.