

**ARKANSAS COURT OF APPEALS**DIVISION IV  
No. CV-13-487ST. JOHN'S REGIONAL HEALTH  
CENTER and SISTERS OF MERCY  
HEALTH

APPELLANTS

V.

GREGORY D. BARTLETT

APPELLEE

Opinion Delivered February 12, 2014

APPEAL FROM THE ARKANSAS  
WORKERS' COMPENSATION  
COMMISSION [NO. G202264]

AFFIRMED

**ROBIN F. WYNNE, Judge**

Appellee Gregory Bartlett was working as a paramedic when he injured his right knee. The administrative law judge (ALJ) and the Arkansas Workers' Compensation Commission found that Bartlett proved that he was entitled to medical and temporary total-disability benefits, and appellants now appeal, arguing that substantial evidence does not support the Commission's decision.<sup>1</sup> We find no error and affirm by memorandum opinion.

At the hearing before the ALJ, Bartlett, who was fifty-six years old, testified that he began working for Mercy EMS in June 2001, and his duties included patient care and transport, vehicle maintenance, and "station duties" such as taking out the trash. He was taking the trash to the dumpster on January 4, 2012, when he stepped off of the curb and felt

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<sup>1</sup>We previously ordered rebriefing in this case. *St. John's Reg'l Health Ctr. v. Bartlett*, 2013 Ark. App. 614.

his knee give way and twist. Bartlett testified that he felt a little pain but he was able to complete his job tasks for the next hour left in his shift. The next day, his right knee was swollen and painful, and he reported the incident to his supervisor and completed an accident report. Bartlett continued to work without restrictions and his symptoms had improved when he saw Dr. Thomas Corsolini on January 12, 2012. Dr. Corsolini performed a physical examination and ordered an x-ray of the knee, which revealed minimal indication of degenerative changes and possible slightly increased joint fluid. He diagnosed Bartlett with subacute right-knee strain and did not limit his work duties. According to Bartlett, Dr. Corsolini told him that they needed to give the knee time to see if it was going to heal; if it was not okay, then he suggested perhaps doing an MRI.

Bartlett continued to work until his annual vacation to New Orleans in mid-February. He testified to some stiffness in his knee immediately before his trip; during the trip Bartlett and his wife walked three to four blocks to the parades and sat and watched them. He denied any new injury while on vacation; however, he experienced swelling that was so bad on the last day of vacation that he left early to come home and seek medical treatment. His request for additional treatment was denied, so he went to see his family physician, who referred him to Dr. Chad Efird.

Dr. Efird, an orthopedist, first saw Bartlett on February 28, 2012. Because Bartlett had continued pain as well as swelling, popping, catching, and other mechanical symptoms, Dr. Efird ordered an MRI. The MRI revealed a lateral meniscus tear and articular cartilage defect in the weight-bearing region. On March 19, 2012, Dr. Efird performed a right-knee arthroscopy. Bartlett was taken off work for eight to twelve weeks following surgery, and

he underwent physical therapy. After an office visit on June 7, 2012, Dr. Efird stated that Bartlett could return to work with a lifting restriction. Bartlett testified at the July 16, 2012 hearing that he had recently been released from treatment by Dr. Efird but still had to pass a lift test to be able to return to work.

In an opinion filed April 22, 2013, the Commission affirmed the ALJ's opinion and found that Bartlett had proved that he suffered a compensable injury to his right knee on January 4, 2012; that he was entitled to temporary total-disability benefits from February 22, 2012, until a date yet to be determined; and that the medical treatment he had received was reasonably necessary in accordance with Ark. Code Ann. § 11-9-508(a). Appellants filed a timely notice of appeal from the Commission's decision. They argue on appeal that the Commission's findings regarding medical causation are not supported by substantial evidence for several reasons.

As set forth in our per curiam *In re Memorandum Opinions*, 16 Ark. App. 301, 700 S.W.2d 63 (1985), memorandum opinions may be issued in any or all of the following cases:

- (a) Where the only substantial question involved is the sufficiency of the evidence;
- (b) Where the opinion, or findings of fact and conclusions of law, of the trial court or agency adequately explain the decision and we affirm;
- (c) Where the trial court or agency does not abuse its discretion and that is the only substantial issue involved; and
- (d) Where the disposition of the appeal is clearly controlled by a prior holding of this court or the Arkansas Supreme Court and we do not find that our holding should be changed or that the case should be certified to the supreme court.

*Id.* at 302, 700 S.W.2d at 63. It is the Commission's duty, not ours, to make credibility determinations, to weigh the evidence, and to resolve conflicts in the medical testimony and

evidence. *Martin Charcoal, Inc. v. Britt*, 102 Ark. App. 252, 284 S.W.3d 91 (2008). Here, the only issue is whether substantial evidence supports the Commission's decision, and we conclude that the Commission's opinion adequately explains its decision. Accordingly, we affirm by memorandum opinion.

Affirmed.

HARRISON and GLOVER, JJ., agree.

*McAnany, Van Cleave & Phillips, P.C.*, by: *Patricia L. Musick* and *Christopher S. Moberg*,  
for appellants.

*Tolley & Brooks, P.A.*, by: *Evelyn E. Brooks*, for appellee.