

IN THE COURT OF APPEALS 12/29/95
OF THE
STATE OF MISSISSIPPI
NO. 95-CC-00017 COA

SARA DIXON

APPELLANT

v.

FRITO-LAY, INC. AND RELIANCE INSURANCE COMPANY

APPELLEES

THIS OPINION IS NOT DESIGNATED FOR PUBLICATION AND
MAY NOT BE CITED, PURSUANT TO M.R.A.P. 35-B

TRIAL JUDGE: HON. L. BRELAND HILBURN

COURT FROM WHICH APPEALED: HINDS COUNTY CIRCUIT COURT (1ST DIST)

ATTORNEY FOR APPELLANT:

AL CHADICK, III

ATTORNEYS FOR APPELLEES:

KEITH R. RAULSTON

J. RANDALL PATTERSON

NATURE OF THE CASE: WORKERS' COMPENSATION

TRIAL COURT DISPOSITION: ORDER OF MWCC AFFIRMED

BEFORE BRIDGES, P.J., KING, AND SOUTHWICK, JJ.

SOUTHWICK, J., FOR THE COURT:

Sara Dixon appeals a decision of the Circuit Court of the First Judicial District of Hinds County affirming an order of the Mississippi Workers' Compensation Commission. While the commission awarded Dixon temporary total disability benefits and medical expenses, she was denied compensation for a permanent disability and mental illness purportedly caused by the disability. Dixon claims that the denial of compensation is contrary to the weight of the evidence. We disagree.

Dixon bumped her ankle against a pallet stand and was injured. While making some argument that she is entitled to permanent disability benefits for her physical injury, Dixon largely argues that she is entitled to compensation for a psychological component to her injury. Dixon claims that her physical injury at work precipitated a latent mental illness and she produced a psychiatrist who could support that position. However, another psychiatrist who performed an independent medical examination testified that the ankle injury did not trigger any incapacity related to Dixon's claimed mental illness. The commission was entitled to accept the second psychiatrist's conclusion. Thus, its decision, as the ultimate fact finder, to reject Dixon's claims for compensation for mental illness was supported by substantial evidence. *Bates v. Countrybrook Living Ctr.*, 609 So. 2d 1247, 1249 (Miss. 1992) (citation omitted) (explaining burden of proof in mental injury cases); *see Morris v. Lansdell's Frame Co.*, 547 So. 2d 782, 785 (Miss. 1989) (commission is sole judge of the evidence).

As to the absence of benefits for permanent injury, the commission's decision is again supported by substantial evidence. We have carefully reviewed the record and the credible medical evidence strongly supports the conclusion that Dixon suffered no permanent impairment from her injury following maximum medical improvement.

Because we find them persuasive and well-articulated, we attach the opinion of the administrative judge and the commission's order adopting and adding to that opinion.

THE JUDGMENT OF THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT OF HINDS COUNTY IS AFFIRMED AND ALL COSTS OF THIS APPEAL ARE TAXED TO THE APPELLANT.

FRAISER, C.J., BRIDGES AND THOMAS, P.JJ., BARBER, COLEMAN, DIAZ, KING, McMILLIN, AND PAYNE, JJ., CONCUR.