

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

WCC NO. F107171

BROCK WARD, EMPLOYEE

CLAIMANT

ARKANSAS ELECTRIC COOP, INC.,  
SELF-INSURED EMPLOYER

RESPONDENT

**OPINION FILED AUGUST 14, 2003**

Hearing conducted before Administrative Law Judge C. MICHAEL WHITE in  
Batesville, Independence County, Arkansas.

The claimant was represented by Jim Burton, Attorney at Law, Jonesboro,  
Arkansas.

The respondents were represented by Betty Demory, Attorney at Law, Little  
Rock, Arkansas.

**OPINION AND ORDER**

A hearing was held in this matter on May 16, 2003. A prehearing  
conference was conducted on March 11, 2003, and a prehearing order was  
filed on that same date. A copy of the prehearing order has been marked as  
Commission Exhibit No. 1 and made a part of the record without objection.

During the prehearing conference, the parties agreed to the following  
stipulations:

1. The employer/employee/carrier relationship existed on  
March 1, 2001;
2. The respondents have accepted a compensable injury  
which occurred on March 1, 2001;
3. The respondents paid benefits until April 26, 2002;

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4. The respondents have controverted liability for any additional benefits.

During the prehearing conference, the parties also agreed that the issues to be litigated at the hearing were limited to the following:

1. Whether additional medical treatment is reasonably necessary for treatment of the claimant's compensable injury.

From a review of the record as a whole, to include the testimony of the claimant, as well as the medical records and other documentary evidence, the following findings of fact and conclusions of law are made in accordance with Ark. Code Ann. § 11-9-704 (Cumm. Supp. 1997):

**FINDINGS AND CONCLUSIONS**

1. The Arkansas Workers' Compensation Commission has jurisdiction over this claim;
2. The stipulations agreed to by the parties and set forth above are hereby accepted as fact;
3. The claimant failed to prove by a preponderance of the evidence that additional medical treatment is reasonably necessary for treatment of his compensable injury.

**DISCUSSION**

The claimant was employed by the respondent employer for approximately four years as a power line worker, and his duties included the use of a ninety-pound jack hammer and a chain saw. At some point, he developed problems with both of his upper extremities, including numbness

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and pain. These symptoms typically occurred with activity and were relieved by inactivity. He was initially treated by Dr. Lonnie Robinson, a general practitioner, and Dr. Robinson caused electrodiagnostic studies to be conducted, which produced results compatible with bilateral carpal tunnel syndrome.

Consequently, the claimant was referred to Dr. Todd Oliver, an orthopedic surgeon. After examining the claimant on July 11, 2001, Dr. Oliver stated that the claimant was "a difficult patient to diagnosis." In this regard, Dr. Oliver opined that the claimant had symptoms of ulnar artery thrombosis and signs of possible thoracic outlet syndrome. However, an arteriogram ruled out either of these conditions. Dr. Oliver also ordered MRI's of the claimant's wrists, which did not reveal evidence of a cyst in Guyon's canal or any other abnormality other than findings consistent with carpal tunnel syndrome. Nevertheless, Dr. Oliver continued to diagnosis Guyon's canal compression on the left with bilateral thoracic outlet syndrome.

The claimant was next referred to Dr. Michael Moore, an orthopedic surgeon specializing in hand surgery, for a second opinion. After examining the claimant and reviewing the diagnostic studies, Dr. Moore opined that the claimant's problems were caused by bilateral carpal tunnel syndrome, and he performed a carpal tunnel release on the left. Dr. Moore continued to follow

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the claimant for problems related to both extremities. However, despite the early indications of bilateral carpal tunnel syndrome, Dr. Moore opined in a report dated April 15, 2002, that the claimant's problems were not caused by carpal tunnel syndrome. Consequently, he referred the claimant to Dr. Reginald Rutherford for additional electrodiagnostic studies, which did not reveal evidence of carpal tunnel syndrome. In addition, a MRI of the claimant's cervical spine was performed, which did not reveal any abnormality to explain the claimant's problems. Dr. Rutherford concluded that there is no objective basis for the claimant's subjective complaints.

At the hearing conducted in this matter, the claimant testified that he continues to experience problems with both extremities when he engages in significant activity. He has relocated to Florida, where he assists his wife in managing apartments. However, he avoids most activities involving his extremities.

Employers must promptly provide medical services which are reasonably necessary for treatment of compensable injuries. Ark. Code Ann. § 11-9-508(a) (1987). However, injured employees have the burden of proving by a preponderance of the evidence that medical treatment is reasonably necessary for treatment of the compensable injury. Norma Beatty v. Ben Pearson, Inc., Full Workers' Compensation Commission, Feb. 17, 1989

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(Claim No. D612291). In assessing whether a given medical procedure is reasonably necessary for treatment of the compensable injury, we analyze both the proposed procedure and the condition it is sought to remedy.

Deborah Jones v. Seba, Inc., Full Workers' Compensation Commission, Dec. 13, 1989 (Claim No. D511255).

In the present claim, I find that the preponderance of the evidence fails to establish that additional medical treatment is reasonably necessary for treatment of the claimant's compensable injury. Initial objective tests revealed evidence of bilateral carpal tunnel syndrome, and the respondents provided reasonably necessary treatment for the conditions. However, the more recent tests indicate that these conditions have resolved, and the medical records indicate that no further medical treatment is necessary.

**ORDER**

Accordingly, based on my review of the entire record and for the reasons discussed herein, I find that this claim must be, and hereby is, denied and dismissed.

IT IS SO ORDERED.

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C. Michael White  
Administrative Law Judge