

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F413437

BRETT STAGGS

CLAIMANT

USA TRUCK, INC.  
SELF INSURED

RESPONDENT

OPINION FILED JULY 20, 2005

Hearing before ADMINISTRATIVE LAW JUDGE ELIZABETH DANIELSON in Fort Smith, Sebastian County, Arkansas.

Claimant represented by EMILY PAUL, Attorney, Little Rock, Arkansas.

Respondents represented by J. RODNEY MILLS, Attorney, Van Buren, Arkansas.

STATEMENT OF THE CASE

A hearing was held on May 12, 2005, in Springdale, Arkansas.

A pre-hearing conference was held in this claim, and as a result a pre-hearing order was entered in the claim on March 24, 2005. This pre-hearing order set forth the stipulations offered by the parties, the issues to litigate and the contentions thereto.

The following stipulations were submitted by the parties and are hereby accepted:

1. The Arkansas workers' Compensation Commission has jurisdiction of this claim.

2. On December 22, 2004, the relationship of employee-employer-carrier existed between the parties.

3. The claimant sustained a compensable injury to his low back on December 22, 2004.

4. The claimant is entitled to the maximum compensation rate for 2004.

5. Some medical expenses have been paid.

By agreement of the parties the issues to litigate are limited to the following:

1. Additional medical.

2. Temporary total disability from December 22, 2004, to a date to be determined.

3. Attorney's fees.

In regard to the foregoing issues the claimant contends that on December 22, 2004, he sustained a compensable lower back injury while attempting to slide tandems on a trailer to evenly distribute load weight. Claimant contends he is entitled to additional reasonable and necessary medical treatment. Claimant contends that he is in his healing period and totally disabled from work and entitled to temporary total disability benefits. Claimant contends that the respondents have controverted this claim in its entirety and the claimant's attorney is entitled to a controverted attorney fee.

In regard to the foregoing issues the respondents contend that all benefits due and owing the claimant as a result of his compensable injury have been, or are being, paid. The claimant has been released to return to light duty work, and light duty work has been made available to the claimant within the limitations or restrictions imposed by his authorized treating physician, yet the claimant has refused to return to work. No compensable event is the major cause of the claimant's current condition or alleged need for medical treatment. The claimant's current complaints did not

arise out of or in the course or scope of his employment with the respondent. The claimant's current complaints are the result of an independent intervening cause for which the respondent has no liability or responsibility. The additional medical treatment sought by the claimant is not authorized, reasonable or necessary as a result of a compensable event.

The documentary evidence submitted in this matter consists of the Commission's pre-hearing order marked Commission's Exhibit No. 1. The claimant submitted a letter from USA Truck marked Claimant's Exhibit No. 1. The respondents submitted medical evidence marked Respondents' Exhibit No. 1, non medical evidence marked Respondents' Exhibit No. 2, the deposition of the claimant marked Respondents' Exhibit No. 3 and a certificate to return to return to work marked Respondents' Exhibit No. 4. All these exhibits were admitted without objection.

#### DISCUSSION

#### FINDINGS & CONCLUSIONS

1. The Arkansas workers' Compensation Commission has jurisdiction of this claim.

2. On \*, the relationship of employee-employer existed between the parties.

3.

4.

#### ORDER

The respondents shall pay to the claimant's attorney the maximum statutory attorney's fee on the additional benefits awarded

herein, with one half of said attorney's fee to be paid by the respondents in addition to such benefits and one half of said attorney's fee to be withheld by the respondents from such benefits.

All benefits herein awarded which have heretofore accrued are payable in a lump sum without discount.

This award shall bear the maximum legal rate of interest until paid.

IT IS SO ORDERED.

---

ELIZABETH DANIELSON  
ADMINISTRATIVE LAW JUDGE