

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. E404373

FRANK CLINGAN,
EMPLOYEE

CLAIMANT

GEO SPECIALTY CHEMICAL, INC.,
EMPLOYER

RESPONDENT

HARTFORD UNDERWRITERS INSURANCE CO.,
INSURANCE CARRIER

RESPONDENT

OPINION FILED NOVEMBER 18, 2003

Upon review before the FULL COMMISSION in Little Rock,
Pulaski County, Arkansas.

Claimant represented by HONORABLE DONALD RYAN, Attorney at
Law, Hot Springs, Arkansas.

Respondents represented by HONORABLE A. GENE WILLIAMS,
Attorney at Law, Little Rock, Arkansas.

Decision of the Administrative Law Judge: Vacated and
remanded.

OPINION AND ORDER

Claimant appeals the January 2, 2003 opinion of
the Administrative Law Judge denying this claim for
additional benefits. For reasons explained below, we remand
this matter to the Administrative Law Judge to settle the
record. Additionally, we vacate the opinion of the
Administrative Law Judge and remand for additional findings.

Initially, we note that the record does not appear
to contain all of the evidence introduced by the parties at
the hearing. For instance, the documentary evidence

attached to claimant's Prehearing Questionnaire was supposed to be in the record. However, the transcript does not contain any of these documents. Further, claimant has attached several documents to his brief on appeal, and respondent has not objected to any consideration of this evidence. Therefore, we remand this matter to the Administrative Law Judge to settle the record.

Additionally, the Administrative Law Judge found that "[t]he claimant's claim for additional treatment for his low back and left foot is not supported by evidence that establishes a causal connection between his ongoing complaints and his compensable injury of February 28, 1994." The Administrative Law Judge's rationale for this finding is that "[t]here are no "objective findings" in the medical evidence to suggest ongoing treatment for the claimant's low back or foot, or at least not treatment which would be the liability of the respondents." Thus, it appears that the Administrative Law Judge determined that objective findings are necessary to support an award of additional medical treatment, and to establish a causal connection between claimant's current condition and his compensable injury. That is not how we read the law. "Objective findings," as that phrase is used to establish the existence of a

compensable injury, is not an absolute requirement in either instance. See Williams v. Prostaff Temporaries, 64 Ark. App. 128, 979 S.W.2d 911 (1998) and Wal-Mart Stores, Inc. v. VanWagner, 337 Ark. 443, 990 S.W.2d 522 (1999).

For the foregoing reasons, we remand this matter to the Administrative Law Judge to settle the record. Additionally, we vacate the opinion of the Administrative Law Judge and remand for additional findings, and we direct the Administrative Law Judge to adjudicate claimant's entitlement to additional medical treatment by applying the correct legal standard.

IT IS SO ORDERED.

OLAN W. REEVES, Chairman

SHELBY W. TURNER, Commissioner

KAREN H. MCKINNEY, Commissioner