

# NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. E909358

RICHARD MCFARLIN, EMPLOYEE CLAIMANT

CONWAY REGIONAL MEDICAL CENTER, EMPLOYER RESPONDENT

RECIPROCAL OF AMERICA, INSURANCE CARRIER RESPONDENT

OPINION FILED NOVEMBER 3, 2003

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

Claimant represented by HONORABLE H. OSCAR HIRBY, Attorney at Law, Little Rock, Arkansas.

Respondent represented by HONORABLE JOHN D. DAVIS, Attorney at Law, Little Rock, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

## OPINION AND ORDER

The claimant appeals from a decision of the Administrative Law Judge filed January 2, 2003.

The Administrative Law Judge entered the following findings of fact and conclusions of law:

1. That the Arkansas Workers' Compensation Commission has jurisdiction of this claim.
2. That the stipulations agreed to by the parties at the pre-hearing conference conducted on September 12, 2002, and contained in a pre-hearing order filed September 12, 2002, as well as those at the

hearing herein, are hereby accepted as fact.

3. That Claimant has failed to prove by a preponderance of the credible evidence that he is entitled to any benefits pursuant to Ark. Code Ann. § 11-9-505; specifically, Claimant has failed to prove that Respondent unreasonably refused to return him to work where suitable employment was available; has failed to prove that he was not offered an opportunity to return to work; and has failed to prove that he was not offered re-employment assistance. Additionally, I find that Claimant was returned to work by Respondent in June 2000, was subsequently separated from such employment in December 2000, and has failed to cooperate with the job assistance offered to him, and has expressed expectations of vocational rehabilitation from the Respondent which are unreasonable given the circumstances of this case and of his physical condition.

We have carefully conducted a de novo review of the entire record herein and it is our opinion that the Administrative Law Judge's decision is supported by a preponderance of the credible evidence, correctly applies the law, and should be affirmed. Specifically, we find from a preponderance of the evidence that the findings of fact made by the Administrative Law Judge are correct and they are, therefore, adopted by the Full Commission.

Thus, we affirm and adopt the decision of the Administrative Law Judge, including all findings and

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conclusions therein, as the decision of the Full Commission  
on appeal.

IT IS SO ORDERED.

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OLAN W. REEVES, Chairman

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KAREN H. MCKINNEY, Commissioner

Commissioner Turner dissents.