

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F003588

JANIE MCKINNEY, EMPLOYEE	CLAIMANT
AREA AGENCY ON AGING, EMPLOYER	RESPONDENT
RISK MANAGEMENT RESOURCES, INSURANCE CARRIER	RESPONDENT

OPINION FILED AUGUST 1, 2003

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

Claimant represented by HONORABLE RANDY SHOCK, Attorney at Law, Fort Smith, Arkansas.

Respondent represented by HONORABLE BETTY DEMORY, 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 November 7, 2002.

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

1. The Arkansas Workers' Compensation Commission has jurisdiction of this claim.
2. On all pertinent dates, the relationship of employee-employer-carrier existed between the parties.
3. The claimant sustained a compensable injury to her low back on March 13, 2000.

4. The respondents have accepted and paid a 5 percent permanent partial impairment rating.

5. Temporary total disability has been paid to June 10, 2001,

6. The claimant is entitled to a weekly compensation rate of \$156.00 for temporary total disability and \$154.00 for permanent partial disability.

7. The claimant has failed to prove by a preponderance of the evidence that the recommended IDET procedure is both reasonable and necessary for the treatment of her compensable injury.

8. The claimant has failed to prove by a preponderance of the evidence her entitlement to temporary total disability from June 10, 2001, to a date to be determined. Dr. Short evaluated the claimant with a 5 percent impairment rating on June 10, 2001, noting that she had reached maximum medical improvement. There is no indication that he was recommending that she stay off work or that she was unable to work, further noting that the functional capacity evaluation set forth that she was suitable for work at a light physical demand level. The respondents have offered the claimant work within her limitations and she had not accepted or responded to those offers.

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

IT IS SO ORDERED.

OLAN W. REEVES, Chairman

JOE E. YATES, Commissioner

Commissioner Turner dissents.