

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F009447

BILLIE L. MARTIN, EMPLOYEE	CLAIMANT
PAT SALMON & SONS, INC., EMPLOYER	RESPONDENT NO. 1
PACIFIC EMPLOYERS INSURANCE, INSURANCE CARRIER	RESPONDENT NO. 1
SECOND INJURY FUND	RESPONDENT NO. 2

OPINION FILED OCTOBER 20, 2003

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

Claimant represented by HONORABLE RANDY COLEMAN, Attorney at
Law, Little Rock, Arkansas.

Respondents No. 1 represented by HONORABLE WILLIAM C. FRYE,
Attorney at Law, Little Rock, Arkansas.

Respondent No. 2 represented by HONORABLE TERRY PENCE,
Attorney at Law, Little Rock, Arkansas.

Decision of the Administrative Law Judge: Affirmed and
adopted.

OPINION AND ORDER

The claimant appeals from a decision of the
Administrative Law Judge filed January 9, 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 October 31, 2002 and contained in a pre-hearing order filed October 31, 2002, as well as those at the hearing herein, are hereby accepted as fact.
3. That the Claimant has failed to prove that his compensable injury of August 13, 2000 contributes to his low back condition by accelerating or combining with the pre-existing condition; specifically, I find that Claimant sustained a temporary aggravation of his pre-existing low back condition, that the Claimant's condition is restored to the condition that existed before the injury, and the Claimant has failed to prove that his compensable injury has precipitated or caused the need for medical treatment for any period beyond that which the respondent has already provided.
4. That the Claimant has failed to prove by either objective medical evidence, expert medical opinion, or a preponderance of the credible non-medical evidence in the record that he is entitled to additional medical treatment for his low back; specifically, claimant has failed to prove that such need for additional treatment is reasonably necessary and causally related to his compensable back injury of August 13, 2000; further, in view of his pre-existing degenerative disc disease and low back condition, he has failed to prove that his compensable injury of said date is the major cause of his need for any said treatment.
5. That the Claimant has failed to prove by a preponderance of the evidence that he is entitled to any permanent disability benefits; specifically, there is no valid permanent impairment rating in the record of this case,; the record in this case fails to

establish the degree and extent of any impairment sustained by Claimant as a result of his compensable injury, and the offered rating lacks any objective findings which causally relate his current condition to the work-related injury of August 13, 2000.

6. That the Claimant has failed to prove by a preponderance of the evidence that the compensable back injury of August 13, 2000 was the major cause of any permanent impairment or disability sustained by him; specifically, Claimant has been diagnosed with pre-existing conditions of a chronic and progressive nature, namely arthritis and degenerative disk disease, was prescribed medications for such conditions prior to his compensable injury, and has failed to prove by the preponderance of the evidence that there was any new or additional degree of impairment or disability experienced by him which was causally related to his compensable injury.
7. That the Claimant's claim is hereby respectfully denied and dismissed in its entirety.

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

KAREN H. MCKINNEY, Commissioner

Commissioner Turner dissents.