

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F106749

RADINA REYNOLDS,
EMPLOYEE

CLAIMANT

JOHNSON REGIONAL MEDICAL CTR.,
EMPLOYER

RESPONDENT

RECIPROCAL OF AMERICA,
INSURANCE CARRIER

RESPONDENT

OPINION FILED AUGUST 13, 2003

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

Claimant represented by HONORABLE SHEILA CAMPBELL, Attorney
at Law, Little Rock, Arkansas.

Respondents represented by HONORABLE GAIL MATTHEWS, 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 December 20, 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 June 8, 2001, the relationship of
employee-employer-carrier existed between the
parties.
3. The claimant sustained a compensable injury
to her back on June 8, 2001.

4. The claimant is entitled to a weekly compensation rate of \$177.00 for temporary total disability.
5. Medical expenses have been paid up through Dr. Williams' report.
6. All the medical expenses have been paid for the treatment of this claimant's back problem.
7. The claimant has failed to prove by a preponderance of the evidence that she sustained a compensable neck injury on June 8, 2001.

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.

DISSENTING OPINION

_____ I must respectfully dissent from the Commission's finding that claimant failed to prove by a preponderance of the evidence that her cervical difficulties are causally related to a prior work-related accident.

Claimant testified that on June 8, 2001, she sustained an injury when she grabbed and caught a falling patient. Respondent apparently accepted an injury to her lumbar spine. Following the injury, claimant was taken by ambulance to a local hospital. The recorded history indicates complaints of "some tingling in her fingertips in both of her hands." Eventually, claimant was diagnosed with an abnormality at C5-6.

Claimant testified that prior to the compensable injury, she had never had any problems with her neck, shoulders, or upper extremities. Claimant stated that after the compensable injury, she experienced pain in her neck and shoulders and tingling in her upper extremities on a regular basis. Dr. Williams, who performed surgery for claimant's cervical problems, opined that based on her history, there is a causal connection with the employment.

Based on the above evidence, I find that claimant has met her burden of proof by a preponderance of the

Reynolds - F106749

4

evidence. Accordingly, the opinion of the Administrative Law Judge should be reversed.

SHELBY W. TURNER, Commissioner