

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F013001

FRANCINE WILLIAMS,
EMPLOYEE

CLAIMANT

CITY CORPORATION,
EMPLOYER

RESPONDENT

ARKANSAS MUNICIPAL LEAGUE WCT,
INSURANCE CARRIER

RESPONDENT

OPINION FILED NOVEMBER 3, 2003

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

Claimant represented by the HONORABLE EDDIE WALKER, JR.,
Attorney at Law, Fort Smith, Arkansas.

Respondents represented by the HONORABLE J. CHRIS
BRADLEY, Attorney at Law, North Little Rock, Arkansas.

Decision of Administrative Law Judge: Affirmed and
Adopted.

OPINION AND ORDER

Respondents appeal and claimant cross appeals an
opinion and order of the Administrative Law Judge filed
March 12, 2003. In said order, the Administrative Law
Judge made the following findings of fact and
conclusions of law:

1. The Arkansas Workers' Compensation
Commission has jurisdiction over this
claim.
2. The stipulations agreed to by the
parties and set forth above are hereby
accepted as fact.

3. The claimant is entitled to medical treatment that is reasonably necessary for treatment of her reflex sympathetic dystrophy.

4. The claimant failed to prove by a preponderance of the evidence that she is entitled to any additional temporary disability compensation.

5. The respondents controverted liability for any additional temporary disability benefits or for any benefits related to the claimant's reflex sympathetic dystrophy.

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 made by the Administrative Law Judge are correct and they are, therefore, adopted by the Full Commission.

We therefore affirm the March 12, 2003 decision of the Administrative Law Judge, including all findings of fact and conclusions of law therein, and adopt the opinion as the decision of the Full Commission on appeal.

All accrued benefits shall be paid in a lump sum without discount and with interest thereon at the lawful rate from the date of the Administrative Law Judge's

decision in accordance with Ark. Code Ann. § 11-9-809 (Repl. 2002).

For prevailing in part on this appeal before the Full Commission, claimant's attorney is hereby awarded an additional attorney's fee in the amount of \$250.00 in accordance with Ark. Code Ann. § 11-9-715(b) (Repl. 1996).

IT IS SO ORDERED.

OLAN W. REEVES, Chairman

Commissioner Turner concurs in part and dissents in part.

CONCURRING AND DISSENTING OPINION

_____ For the following reasons, I respectfully concur in part and dissent in part from the Principal Opinion, which in all respects affirms and adopts the decision of the Administrative Law Judge. Specifically, I concur in the principal opinion's affirming the decision of the Administrative Law Judge that the claimant is entitled to medical treatment that is reasonably necessary for treatment of her reflex sympathetic dystrophy. However, I must respectfully dissent from the principal opinion's affirming the decision of the Administrative Law Judge that the claimant failed to prove by a preponderance of

the evidence that she is entitled to any additional temporary total disability compensation.

On the issue of whether the claimant is entitled to any additional temporary total disability compensation, the Administrative Law Judge's opinion states as follows:

I find that the claimant's healing period ended at least by June 24, 2002, when the respondents terminated her TTD benefits. In this regard, the claimant had been thoroughly evaluated by that time, and, although a diagnosis of RSD was made, nothing further in the form of treatment to improve her condition was available.

My review of the medical evidence in the record leads me to conclude that the Administrative Law Judge erred in concluding that the claimant's healing period for her RSD has ended. Specifically, the medical records simply do not support a conclusion that "nothing further in the form of treatment to improve her condition was available." To the contrary, the medical records indicate that as of June 24, 2002, the date on which the respondents controverted the claimant's entitlement to any further benefits, Dr. Robert Valentine was actively treating the claimant's RSD. The record is devoid of any indication that either Dr. Valentine or any of the claimant's other treating physicians have in any way

indicated that the claimant has reached maximum medical improvement with regard to her RSD condition. Dr. Valentine, the doctor with whom claimant was treating for her RSD, never released the claimant from his care. The claimant testified that she was forced to discontinue care with Dr. Valentine because the respondents refused to pay for further treatment, and she could not afford to pay for treatment herself.

For these reasons, I respectfully concur in part and dissent in part.

SHELBY W. TURNER, Commissioner

Commissioner McKinney concurs in part and dissents in part.

CONCURRING AND DISSENTING OPINION

I concur in the finding that the claimant has failed to prove entitlement to additional temporary total disability benefits, however, I must respectfully dissent from the finding that the claimant's sustained reflex sympathetic dystrophy which is casually related to her compensable injury.

KAREN H. MCKINNEY, Commissioner