

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F206001

DARRELL CAUDLE, EMPLOYEE	CLAIMANT
HATFIELD LUMBER, EMPLOYER	RESPONDENT
LMA-ARKANSAS, INSURANCE CARRIER	RESPONDENT

OPINION FILED MAY 6, 2004

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

Claimant represented by HONORABLE GREG GILES, Attorney at Law, Texarkana, Arkansas.

Respondent represented by HONORABLE ROBERT HENRY, III, 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 August 4, 2003.

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 May 8, 2002, the relationship of employee-self insured employer-third party administrator existed between the parties.
3. On May 8, 2002, the claimant earned wages sufficient to entitle him to weekly compensation benefits of \$321.00 for total disability and \$240.00 for permanent partial disability.

4. On May 8, 2002, the claimant sustained a compensable injury to his right knee, nose, and back.
5. There is no dispute over the payment of accrued medical expenses.
6. There is no dispute over the payment of temporary total disability benefits through September 7, 2002.
7. The claimant has failed to prove by the greater weight by the credible evidence that his current episode of low back difficulties, beginning in October of 2002, or causally related to his initial compensable low back injury of May 8, 2002, or any other injury he sustained on that date. Thus, his current episode of low back difficulties would not constitute either a reoccurrence or progression of his initial compensable low back injury or a compensable consequence of his compensable right knee injury. He would not be entitled to any benefits under the Act for his current episode of low back difficulties, including either medical services or temporary disability benefits.
8. The claimant has failed to prove that he is entitled to additional temporary total disability benefits from September 8, 2002, through a date yet to be determined for either his compensable back injury or compensable right knee injury. Specifically, he has failed to prove by the greater weight of the credible evidence that he continued within his healing period from the effects of either of these compensable injuries after September 7, 2002.
9. The respondents have controverted the claimant's entitlement to any medical services or temporary total disability benefits as a result of his current episode

of low back difficulties, beginning in October of 2002. The respondents have also controverted the claimant's entitlement to any additional temporary total disability benefits for his compensable right knee injury after September 7, 2002.

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.