

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F206804

LONNIE GOLDSTEN,
EMPLOYEE

CLAIMANT

CANNON EXPRESS,
SELF-INSURED EMPLOYER

RESPONDENT

OPINION FILED APRIL 5, 2004

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

Claimant appeared PRO SE.

Respondents represented by HONORABLE CONSTANCE CLARK,
Attorney at Law, Fayetteville, 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 September 23, 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 March 13, 2002, the relationship of employee-self insured employer-third party administrator existed between the parties.
3. On March 13, 2002, the claimant earned wages sufficient to entitle him to weekly compensation benefits of \$330.00 for total disability and \$248.00 for permanent partial

disability, should such benefits have been appropriate.

4. The claimant has failed to prove by the greater weight of the credible evidence that he sustained "compensable injuries" to his wrist, neck, and/or shoulder in an employment related accident on March 13, 2002. Specifically, he has failed to prove that any physical injuries he may have sustained in this accident satisfy the requirements of Ark. Code Ann. § 11-9-102(4) (D).
5. The claimant has proven by the greater weight of the credible evidence that he sustained a "compensable injury" to his prescription glasses in the employment related incident of March 13, 2002. Specifically, he has proven by the greater weight of the credible evidence that the damage to his glasses arose out of and occurred in the course of his employment with this respondent, was caused by a specific incident, is identifiable by time and place of occurrence, and required medical services.
6. The expense for the repair or replacement of the damaged prescription glasses constitutes a reasonably necessary medical expense under Ark. Code Ann. § 11-9-508. Pursuant to this subsection, the respondents are liable for this expense, subject to the medical fee schedule established by this Commission.
7. The respondents have denied the occurrence of any compensable injury or injuries and have controverted the claimant's entitlement to any benefits.

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.