

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F307533

PAMELIA GEORGE,
EMPLOYEE

CLAIMANT

SILOAM SPRINGS SCHOOL DISTRICT,
EMPLOYER

RESPONDENT

RISK MANAGEMENT RESOURCES,
INSURANCE CARRIER

RESPONDENT

OPINION FILED AUGUST 17, 2004

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

Claimant represented by HONORABLE MARK FREEMAN, Attorney at
Law, Fayetteville, Arkansas.

Respondents represented by HONORABLE BETTY DEMORY, 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 February 17, 2004. 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 all relevant dates, the relationship of
employee-self insured employer-TPA existed
between the parties.

3. On all relevant dates, the appropriate weekly compensation rates are \$425.00 for total disability and \$319.00 for permanent partial disability.
4. The claimant has proven that her respiratory difficulties (in the form of chronic sinusitis and asthma), which began in August of 2002, represents a compensable occupational disease, within the meaning of Ark. Code Ann. § 11-9-601.
5. The claimant as failed to prove that her ear or hearing difficulties (in the form of otitis media), which began in August of 2002, represents either a compensable injury or occupational disease, within the meaning of the Act. Specifically, the claimant has failed to prove by the greater weight of the credible evidence the existence of a causal relationship between these difficulties and her employment with this respondent. Thus, these difficulties did not "arise out of and occur in the course of her employment," with this respondent, a fact necessary to prove either a compensable injury or an occupational disease.
6. The medical services provided the claimant for her compensable sinusitis and asthma by and at the direction of Dr. Scott Stinnett, Dr. Laura A. Koehn, Dr. Thurman Crocker, Dr. Randall Davis, and Dr. Kyle Hardy represent reasonably necessary medical services for the claimant's compensable occupational diseases (in the form of sinusitis and allergic asthma). Pursuant to Ark. Code Ann. § 11-9-508, the respondents are liable for the expense of such services, subject to the medical fee schedule established by this Commission. However, the respondents are not liable for any expense incurred by the claimant as a result of services rendered her by these physicians that was necessitated by or related to her non compensable ear or

hearing difficulties (otitis media) or her non compensable gastric difficulties (GERD). Such services would not represent reasonably necessary medical services under Ark. Code Ann. § 11-9-508.

7. The claimant has proven that she has been rendered temporarily totally disabled, as a result of her compensable sinusitis and allergic asthma, for the period of February 15, 2003 through April 20, 2003. However, pursuant to the provisions of Ark. Code Ann. § 11-9-807(b) the claimant is only entitled to compensation benefits of two days for this period of temporary total disability. For the remainder of this period, the claimant received her regular wages from the respondents.
8. The respondents have controverted this claim in its entirety and have denied 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

George - F307533

4

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.